

Coorong District Council
Minutes of the Ordinary Meeting held on 20 August 2019



Minutes of the Ordinary Meeting of the Coorong District Council held at the Coorong Civic Centre Chambers, Tailem Bend on Tuesday 20 August 2019 commencing at 6:00pm.

PRESENT: Mayor Cr. PE Simmons, Deputy Mayor Cr. JJ Arthur, Councillors SU Bland, TF Hill, NR Jaensch, VA Leng, BD Qualmann, LF Rowntree & GA Taylor.

IN ATTENDANCE: G Maxwell (Acting Chief Executive Officer), J Thompson (Finance Manager), B Jarvis (Organisational Development Coordinator), T Strugnell (Senior Sustainability Officer) and A Crossman (minute taker).

APOLOGIES: Nil

WELCOME

The Mayor welcomed all present, read the civic prayer and acknowledged the traditional owners of the land on which we meet.

222/19 CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF THE COORONG DISTRICT COUNCIL HELD ON 16 JULY 2019

Moved Cr. Rowntree, Sec. Cr. Qualmann that the minutes (including the confidential minutes) of the Ordinary Meeting of the Coorong District Council held on 16 July 2019 be adopted as a true and correct record.

CARRIED UNANIMOUSLY

223/19 CONFIRMATION OF MINUTES OF THE SPECIAL MEETINGS OF THE COORONG DISTRICT COUNCIL HELD ON 1 AUGUST 2019

Moved Cr. Taylor, Sec. Cr. Hill that the minutes (including the confidential minutes) of the Special Meetings of the Coorong District Council held on 1 August 2019 be adopted as a true and correct record.

CARRIED UNANIMOUSLY

BUSINESS ARISING / ACTION LIST

Cr. Leng left the meeting at 6:02pm.

Cr. Arthur commented on the reporting requirements for the agreement under minute 191/19 (Commonwealth Homes Support Programme – deed of variation in relation to agreement ID 4-7RLVNE8), and asked who provides those reports back to the Department of Health. Acting Chief Executive Officer took the question on notice.

Cr. Arthur asked whether advertising had commenced for nomination of new members to the Coorong District Local Action Plan Committee (minute 140/19). Senior Sustainability Officer advised that advertising of the nomination process is in progress.

Cr. Arthur commented that minute 123/19 (Motion without notice) could be removed from the minute action list as the submission period for Black Spot funding has now closed.

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Cr. Arthur raised minute 004/19 (Motion without notice) and asked why it has taken considerable time to provide a list of Council's assets. Acting Chief Executive Officer noted that the responsible officer is only part time and the collation could include further information than what is in Council's current listings.

Cr. Arthur asked whether actions for minute 141/17 (Meningie Dry Area – evaluation report and recommendations) had been completed. Cr. Bland advised that the dry area signs had been ordered and supplied, and are awaiting installation subject to meeting legislative requirements for sign placement.

Cr. Arthur raised minute 203/18 (CR. VA Leng – review of RV dump points) and commented that this item could be removed from the minute action list considering there is no budget allocation for works to be carried out in 2019-20.

QUESTIONS WITH NOTICE

Cr. ROWNTREE ASKS

The Coonalpyn Pool season starts in approximately nine (9) weeks' time:

1. What is the status of the maintenance work that was supposed to be undertaken during the off-season?
2. Does the pool being empty for so long create issues for the structural integrity of the pool walls?

Background:

The Coonalpyn Pool Committee and volunteers have done excellent work repainting the pool canteen. It is estimated that the cost to Council will only be approximately \$150.00.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

With the 2019/20 budget now finalised, quotes are being sought to address identified maintenance work at the pool. It is expected that work will be completed without compromise to season opening time.

The pool is designed in the knowledge that it will be drained from time to time for maintenance. There are a range of factors that could affect the structural integrity of the pool walls and that integrity could only be assured by engaging a full engineering assessment.

Cr. ROWNTREE ASKS

Was the Mayor aware of a post made by a Councillor's wife which appeared on The Bend Motorsport Park Facebook page on Wednesday 17 July, which has a following of more than 43,000 people?

RESPONSE FROM MAYOR

The Facebook post was brought to my attention by third parties, however I did not view it personally. I understand that the post was taken down fairly quickly.

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Cr. ROWNTREE ASKS

With reference to Cr Jaensch's question without notice raised at the 16 July 2019 Council meeting regarding the amount of money Council has spent on legal matters from January to now, could it be elaborated further on how much of this expenditure relates to dealing with matters borne out of issues relevant to the former Chief Executive Officer and former Presiding Member, and how much relates to matters created by the current Council?

Background:

I believe that Cr Jaensch's Question Without Notice at the July Council meeting, which was subsequently turned into a Question with Notice for the August meeting, may give the wrong impression to our ratepayers and, in the interests of transparency, needs further explanation.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

Cr Jaensch has provided several motions on notice (in lieu of the question taken on notice from the last meeting of Council) for this current meeting and, if supported, will substantially address this question in a future report to Council. Existing resource constraints and priority given to End of Year, 2019/20 Budget and Annual Reporting requirements have prevented any preliminary work on this matter at this time.

FORMAL MOTION

224/19 Moved Cr. Qualmann, Sec. Cr. Arthur that discussion arising from Cr. Rowntree's question with notice and response supplied by the Acting Chief Executive Officer be adjourned to be discussed at the end of the meeting in confidence.

Voting for the motion were Councillors Arthur, Bland,
Hill, Qualmann, Rowntree, Simmons and Taylor

Voting against the motion was Councillor Jaensch

The Mayor declared the motion CARRIED

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Cr. ROWNTREE ASKS

During a Council asset management workshop held on 18 March 2019, an incident occurred which is now before the courts.

1. What avenues are open to the Council to ensure the safety of Elected Members?
2. Has Council been approached to provide legal support for anyone involved in the incident, and if so, how much staff time and money has been spent on dealing with the process?
3. In relation to Council's Motor Vehicle Policy, does the policy allow for Councillors to use motor vehicles for their own private use?

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

1. Question 1 is not an easy one to answer, as Elected Members discharge their duties in a variety of forums including meetings, public events, civic functions, etc. There is a general work health safety obligation on the Council to do what is reasonably practical to address an Elected Member's safety.

In a meeting environment, formally convened under the Local Government Act 1999, there is provision at regulation 29 of the Local Government (Procedures at Meetings) Regulations 2013 for the Council to address what may be considered a disruption to a meeting by an Elected Member. The consequences in these circumstances may include the member being censured or suspended for part or all of the meeting.

Beyond the above, a complaint can be made under the Code of Conduct for Council Members, to the Ombudsman, to the Office of Public Integrity or to the Police.

Unfortunately, most of the remedies are "after the event". From a preventative perspective, there is the option of a security guard at meetings or intervention measures which would need legal explanation.

To provide a more comprehensive answer would require engagement of professional legal opinion.

2. An enquiry was received with regard to avenues of legal support. This necessitated establishing Council's legal responsibility and broader legislative understanding via enquiry through Wallmans Lawyers, and engaging with and travelling to meet with Local Government Risk Services. Collectively this may have accrued to an equivalent of 1 ½ full days for 2 staff members. The cost of the legal advice received is \$4,468.64.
3. The current operational Motor Vehicle Policy recognises vehicles by category.
 - Category A and B vehicles are subject to employment contracts;
 - Category C and D vehicles are subject to private use or commuter use arrangements;
 - Category E is the Mayoral vehicle;
 - Category F are light vehicles generally used in the delivery of Council's Assets and Infrastructure Services and other non-allocated pool vehicles.

The policy seems to reflect that category A, B, C, D and F vehicles may be available to "an appropriately licenced elected member of Council for approved Council purposes".

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The policy reflects that the category E vehicle (Mayoral vehicle) is available for commuter use, authorised Council business and in exercising Mayoral duties and activities. It excludes private use.

Although on-line booking arrangements are in place for motor vehicles, those arrangements are not currently reflected in the Motor Vehicle Policy. There is no guidance in the policy in relation to determination of approved Council purposes. However, by definition, Council purposes would exclude private use.

QUESTIONS WITHOUT NOTICE

NIL

PETITIONS

NIL

DEPUTATIONS

NIL

PUBLIC QUESTION TIME

Name: Lynette Fatchen

Lynette referred to recent news that China will no longer receive waste from Australia, and asked what assurances can be given that Council's waste is recycled, and what the charges are. Lynette noted that if recycling is not carried out, then Council's waste collection practices could be altered to save costs.

The Mayor advised Council's contract with its waste contractor includes collection and processing of recyclables. The Mayor added that the matter of waste collection would likely be further reviewed by Council in the near future. The Mayor also added that the State waste levy increase has impacted many councils' waste management practices, but has impacted this Council to a smaller degree.

Name: Rosa Hillam

Rosa referred to the community information sessions held by Council for the draft 2019-20 Annual Business Plan & Budget, and noted that the final adopted Council deficit was approximately \$376k. Rosa asked how this figure was arrived at, and what items were cut in the budget to reach this figure.

The Mayor advised that the Annual Business Plan Summary provides information on the adoption of the budget, and that updated valuation figures in combination with a reduction in operational expenditure has enabled Council to adopt a smaller budget deficit.

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Name: Rosa Hillam

Rosa asked what grants Council is looking to apply for, and what projects could be carried out.

The Mayor advised that Council had received grants to carry out several projects during 2019-20, and that Council has also rolled over the Tailem Bend toilets upgrade project.

The Acting Chief Executive Officer added that the Council plans to review its Strategic Management Plan in the next 12 months which will set Council's direction for the next four years.

Name: Rosa Hillam

Rosa raised the organisational cultural review tabled within the Council agenda, and asked if there is a strategy in place to provide support for mental health. Rosa also referred to comments made in social media, noting an article she had submitted to a local paper.

The Mayor advised that he hoped the upcoming local government reforms would address social media issues.

The Acting Chief Executive Officer advised that Council has made provisions for Council members and staff to access mental health support.

MAYOR'S REPORT

Cr. Qualmann requested information on the Mayor's attendance at the SA Road Transport Association conference held 3 August 2019. The Mayor advised his attendance provided opportunity to gain information on the process of approval for heavy vehicles across the country, and to have conversations about Council's own needs. Also of note was discussion regarding accidents on roads, and the Local Government Association's CEO campaigning on behalf of SA Councils.

Cr. Rowntree asked whether there are any flow-on opportunities for Tailem Bend and the district from the Rural City of Murray Bridge's 'Make it Yours' campaign launch held on 7 August 2019. The Mayor advised that the launch focused on the Rural City of Murray Bridge's strategic plan.

The Mayor elaborated on his attendance at the CFS Region 3 Field Day held in Meningie on 11 August 2019, and commented on proposed movements and upgrades for local stations (Coombe and Netherton). The Mayor noted that approximately 100 volunteers attended the field day.

COUNCIL MEMBERS' REPORTS

Council Members' reports were tabled with no further comment.

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NOTICES OF MOTION

225/19 CR. JJ ARTHUR – RATING POLICY FOR WIND AND SOLAR FARMS

Moved Cr. Arthur, Sec. Cr. Qualmann that Council contact the Local Government Association in regards to the present position in negotiations with the State Government on Rating Policy for Wind Farms and Solar Farms.

CARRIED UNANIMOUSLY

CR. NR JAENSCH – COST OF LEGAL ADVICE

Moved Cr. Jaensch, Sec. Cr. Bland that a summary of all legal costs incurred by Council between November 2018 and June 2019 in relation to the CEO, the alleged incident in the chamber in March 2019 and the 2017/18 Accounting review be presented to Council.

FORMAL MOTION

226/19 Moved Cr. Rowntree, Sec. Arthur that the item ‘Cr. NR Jaensch – cost of legal advice’ be adjourned to the end of the meeting to be considered in confidence.

Voting for the motion were Councillors Arthur,
Hill, Qualmann, Rowntree, Simmons and Taylor

Voting against the motion were Councillors Bland and Jaensch
The Mayor declared the motion CARRIED

CR. NR JAENSCH – HUMAN RESOURCE COST

Moved Cr. Jaensch that for the period of the former CEO being on paid leave, a report be prepared documenting the cost of the leave and costs of any backfill, higher duties and persons engaged in an acting capacity, as well as the cost on any persons (staff or elected members) sourcing Council sponsored counselling services.

FORMAL MOTION

227/19 Moved Cr. Rowntree, Cr. Qualmann that the item ‘Cr. NR Jaensch – human resource cost’ be adjourned to the end of the meeting to be considered in confidence.

Voting for the motion were Councillors Arthur, Bland,
Hill, Qualmann, Rowntree, Simmons and Taylor

Voting against the motion was Councillor Jaensch
The Mayor declared the motion CARRIED

CR. NR JAENSCH – AUDITING AND ACCOUNTANCY COSTS

Moved Cr. Jaensch that the cost of all extraordinary auditing and accountancy costs for the period November 2018 to June 2019 be identified and reported to Council.

FORMAL MOTION

228/19 Moved Cr. Rowntree, Sec. Cr. Qualmann that the item ‘Cr. NR Jaensch – auditing and accountancy costs’ be adjourned to the end of the meeting to be considered in confidence.

Voting for the motion were Councillors Arthur,
Qualmann, Rowntree, Simmons and Taylor

Voting against the motion were Councillors Bland, Hill, and Jaensch
The Mayor declared the motion CARRIED

229/19 CR. LF ROWNTREE – COONALPYN CARAVAN PARK CARETAKER

Moved Cr. Rowntree, Sec. Cr. Taylor that Council investigate a volunteer live-in caretaker for the Coonalpyn Caravan Park and the role of Caretaker be for the period of twelve (12) months, to be reviewed annually.

AMENDMENT

Moved Cr. Arthur that Council investigate the possibility of a caretaker for the Coonalpyn Caravan Park, including preparation of a list of responsibilities, and report back to Council.

Amendment LAPSED due to want of a seconder

The original motion was PUT
CARRIED UNANIMOUSLY

MOTIONS WITHOUT NOTICE

230/19 Moved Cr. Bland, Sec. Cr. Qualmann that Council review the ‘Code of Practice – Proceedings of Council & Committee Meetings’, with a particular emphasis on the Public Question Time component, and that the Acting Chief Executive Officer report back findings as soon as possible.

CARRIED UNANIMOUSLY

OFFICE OF THE CHIEF EXECUTIVE OFFICER’S REPORT

231/19 REGIONAL GROWTH FUND GRANT DEED – COORONG LINED CATCHMENTS WATER HARVESTING PROJECT

Moved Cr. Rowntree, Sec. Cr. Jaensch that Council authorises the Mayor and Chief Executive Officer to execute and affix the Council seal to the Regional Growth Fund Grant Deed to carry out the Coorong Lined Catchments Water Harvesting project, and congratulate and thank the Coorong Tatiara Local Action Plan team in securing the grant.

CARRIED UNANIMOUSLY

232/19 PUBLIC INTEREST DISCLOSURE POLICY - NEW

Moved Cr. Arthur, Sec. Cr. Hill that Council:

1. Revoke the Whistleblowers Protection Policy from its policy suite;
2. Adopt the Public Interest Disclosure Policy as tabled;
3. Note the appointment of the following persons designated as a Responsible Officer as stipulated by the policy:
 - Mr Ben Jarvis, Organisational Development Coordinator
 - Mr Martin Thomas, Waste & Water Operations Officer

CARRIED UNANIMOUSLY

233/19 ORANISATIONAL CULTURAL REVIEW

Moved Cr. Jaensch, Sec. Cr. Rowntree that the document entitled “Organisational Cultural Review – May 2019” be received.

CARRIED UNANIMOUSLY

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234/19 CHIEF EXECUTIVE OFFICER RECRUITMENT PANEL

Moved Cr. Bland, Sec. Cr. Qualmann that pursuant to section 98 (2) of the Local Government Act 1999 Council appoints David Mosel to the position of Acting Chief Executive Officer commencing 31 August 2019, pending appointment of a permanent incumbent to the position.

CARRIED UNANIMOUSLY

The Mayor suspended standing orders at 7:15pm for twenty minutes.

The Mayor resumed meeting procedures at 7:36pm.

235/19 Moved Cr. Taylor, Sec. Cr. Rowntree that Council call for submissions from suitable service providers to facilitate the recruitment process for a new Chief Executive Officer for the Coorong District Council.

CARRIED UNANIMOUSLY

236/19 Moved Cr. Rowntree, Sec. Cr. Taylor that pursuant to section 98 (4) of the Local Government Act 1999 Council appoints a CEO recruitment panel of five Council Members, inclusive of the presiding member (Mayor), for the purpose of assessing candidate applications with regular reporting to Council.

CARRIED UNANIMOUSLY

Council members commenced a nomination process for the four (4) available panel positions.

Cr. Jaensch nominated himself.

Cr. Bland nominated herself.

Cr. Hill nominated herself.

Cr. Taylor nominated herself.

Cr. Rowntree nominated herself.

Cr. Arthur nominated himself.

Ballot papers were issued to undertake a secret ballot process. Nominated Council Members were invited to speak to their nominations.

Returning officers (Acting Chief Executive Officer and Organisational Development Coordinator) scrutinised the votes.

Cr. Arthur left the chamber at 7:53pm.

Cr. Arthur returned to the meeting at 7:55pm.

The Mayor announced the successful candidates as a result of the secret ballot were Councillors Arthur, Bland, Rowntree and Taylor.

237/19 Moved Cr. Qualmann, Sec. Cr. Arthur that pursuant to section 98 (4) of the Local Government Act 1999 Council appoints the Mayor and Councillors Arthur, Bland, Rowntree and Taylor to the CEO Recruitment Panel for the purpose of assessing candidate applications.

CARRIED UNANIMOUSLY

The Mayor suspended standing orders at 7:58pm for ten minutes.

The Mayor resumed meeting procedures at 8:08pm.

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SECTION 41 COMMITTEES AND SECTION 43 SUBSIDIARIES

238/19 TINTINARA WAR MEMORIAL HALL COMMITTEE – MINUTES OF MEETING HELD 13 AUGUST 2019

Moved Cr. Arthur, Sec. Cr. Qualmann that Council receive the minutes of the Tintinara War Memorial Hall Committee meeting held on 13 August 2019 and that the recommendations be forwarded to the relevant department for consideration.

CARRIED UNANIMOUSLY

239/19 COORONG INFRASTRUCTURE & ASSETS COMMITTEE – MINUTES OF MEETING HELD 1 AUGUST 2019

Moved Cr. Rowntree, Sec. Cr. Bland that Council receive the minutes of the Coorong Infrastructure & Assets Committee meeting held on 1 August 2019.

CARRIED UNANIMOUSLY

240/19 Moved Cr. Hill Sec. Cr. Taylor that Council notes the committee's recommendation to endorse attendance of Council Members and staff to the 2019 LGA Roads & Works Conference.

CARRIED UNANIMOUSLY

241/19 Moved Cr. Arthur, Sec. Cr. Rowntree that Council accept the committee's recommendation with respect to the Coonalpyn Caravan Park cabin, and:

- (a) No longer provide the cabin at the Coonalpyn Caravan Park;
- (b) Dispose of the Coonalpyn Caravan Park Cabin in accordance with Council's Disposal of Council Land & Other Assets Policy.

CARRIED UNANIMOUSLY

242/19 Moved Cr. Arthur, Sec. Cr. Rowntree that Council endorse the Infrastructure & Assets Committee's recommendation to approach Southern Mallee District Council to discuss grant funding opportunities for upgrading Carcuma Road, north of Tintinara.

CARRIED UNANIMOUSLY

243/19 Moved Cr. Arthur, Sec. Cr. Qualmann that Council endorse the Infrastructure & Assets Committee's recommendation to seek a report for upgrading and/or sealing of Seven Mile Road and any Special Local Roads Program (SLRP) funding opportunities, and engage HDS Australia to undertake an assessment of Seven Mile Road and submit to the Murraylands & Riverland Local Government Association Regional Transport & Asset Committee for consideration.

CARRIED UNANIMOUSLY

244/19 Moved Cr. Arthur, Sec. Cr. Bland that Council endorse the Infrastructure & Assets Committee's recommendation to approach the affected South East Councils (via Limestone Coast Local Government Association) to discuss the best outcomes for the state/federal funding of the Princes Highway upgrade.

CARRIED UNANIMOUSLY

245/19 Moved Cr. Qualmann, Sec. Cr. Arthur that Council endorse the Infrastructure & Assets Committee's recommendation to be provided with a detailed design and financial report under Council's Funding Policy for the Murray Coorong Trail grant of \$500,000 and \$500,000 grant for the jetty extension at Meningie (Murray-Darling Basin Economic Development Program).

CARRIED UNANIMOUSLY

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246/19 Moved Cr. Qualmann, Sec. Cr. Arthur that Council endorse the Infrastructure & Assets Committee's recommendation that a report be prepared and presented to the Infrastructure & Assets Committee which details:

- The purchase of all fuels for Council use;
- The storage methods of all fuels for Council use;
- Monitoring and recording all fuel usage for Council use.

CARRIED UNANIMOUSLY

The Mayor declared a perceived conflict of interest in relation to item 10 of the Coorong Infrastructure & Assets Committee minutes and left the meeting at 8:19pm. Deputy Mayor Cr. Arthur assumed the position of presiding member.

247/19 Moved Cr. Rowntree, Sec. Cr. Taylor that Council endorse the Infrastructure & Assets Committee's recommendation that Council continue to negotiate with land owners regarding sand drift issues and if a cost recovery process is recommended by Council administration, that it be brought back to the Infrastructure & Assets Committee for consideration.

CARRIED UNANIMOUSLY

The Mayor returned to the meeting at 8:20pm and resumed the position of presiding member.

248/19 **MURRAYLANDS & RIVERLAND LOCAL GOVERNMENT ASSOCIATION – MINUTES OF ANNUAL GENERAL MEETING HELD 10 JULY 2019**

Moved Cr. Rowntree, Sec. Cr. Qualmann that Council receive the minutes of the Murraylands & Riverland Local Government Association's annual general meeting held on 10 July 2019.

CARRIED UNANIMOUSLY

COMMUNITY & CORPORATE REPORT

249/19 **REQUEST FOR SPONSORSHIP - RAUKKAN NETBALL CLUB**

Moved Cr. Jaensch, Sec. Cr. Rowntree that Council:

1. Supports the sponsorship of \$500.00 to the Raukkan Netball Team to attend the South Australian State Aboriginal Football and Netball Carnival to be held on 5 & 6 October 2019 at Victor Harbor;
2. Make available funds from the 2019/20 First Quarter Budget review.

Voting for the motion were Councillors Jaensch and Rowntree

Voting against the motion were Councillors Arthur,
Bland, Hill, Qualmann, Simmons and Taylor

The Mayor declared the motion LOST

250/19 **REQUEST FOR SPONSORSHIP – INDIVIDUAL SPORT & CULTURAL GRANT – ALICE GREGORY**

Moved Cr. Arthur, Sec. Cr. Qualmann that Council:

1. Supports the sponsorship of \$400.00 to Alice Gregory to represent South Australia at the 2019 SingaCup in November 2019;
2. Make available funds from the 2019/20 First Quarter Budget review.

Voting for the motion were Councillors Arthur, Jaensch, Qualmann and Rowntree

Voting against the motion were Councillors Bland, Hill, Simmons and Taylor

The Mayor declared the motion TIED

INFRASTRUCTURE & ASSETS REPORT

251/19 2019 LOCAL GOVERNMENT ASSOCIATION ROADS & WORKS CONFERENCE

Moved Cr. Qualmann, Sec. Cr. Hill that Council:

1. Note and endorse the attendance of the Mayor and Councillors Arthur and Bland at the 2019 LGA Roads and Works Conference and agree to meet all associated costs;
2. Require a written report from the Council delegates in relation to their attendance at the conference.

CARRIED UNANIMOUSLY

252/19 QUESTION WITH NOTICE – REQUEST TO VIEW UTILITY VEHICLES TENDER DOCUMENTATION

Moved Cr. Arthur, Sec. Cr. Rowntree that Council note that the Local Government Association (LGA) Procurement confidential documentation related to Council's recent purchase of 3 Four Wheel Drive Dual Cab Utilities is now available for Elected Members' viewing by appointment at the principal office.

CARRIED UNANIMOUSLY

253/19 NAMING OF NARRUNG PENINSULA

Moved Cr. Qualmann, Sec. Cr. Rowntree that Council forward a response to the Office of the Surveyor-General (Land Boundaries, Planning and Land Use Services) advising that the Coorong District Council has no objection to the Narrung Peninsula being so named geographically, subject to the concurrence of the Narrung Progress Association, Meningie Progress Association and Raukkan Community Council.

CARRIED UNANIMOUSLY

254/19 2019-2020 SCHEDULE OF FEES & CHARGES - AMENDMENT

Moved Cr. Rowntree, Sec. Cr. Hill that Council adopts the 2019-2020 schedule of fees and charges with amendment to the Outer Township Waste Collection:

- Dump vouchers fee is set at \$330;
- Three bin en-route (including bin bank) collection fee is set at \$330.

CARRIED UNANIMOUSLY

QUESTIONS FROM THE INFORMATION DOCUMENT

Cr. Rowntree referred to Netherton Hall Inc.'s request for information regarding Council's position on their own halls and liability costs incurred. Organisational Development Coordinator and the Mayor explained that building and contents insurance of all Council-owned halls fall under the Local Government Association Asset Mutual Fund. Council's insurer provides a separate claims and cover service via Local Community Insurance Services, which is a specialist insurance provider for community and not for profit groups across Australia.

MOTION WITHOUT NOTICE

255/19 Moved Cr. Rowntree, Sec. Cr. Bland that Council:

1. Seek advice from Local Community Insurance Services regarding cost effective public liability insurance options for all community owned halls in the district;
2. Invite representatives from Local Government Risk Services to present at a future briefing session with respect to insurance services (i.e. public liability, associations and community event) available to community groups.

CARRIED UNANIMOUSLY

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The Mayor elaborated on the Tailem Bend Primary School's visit to Council and corresponding letter to Council which highlights needs of Tailem Bend as identified by the year five/six class.

CONFIDENTIAL ADJOURNED BUSINESS

256/19 INTO CONFIDENCE – QUESTION WITH NOTICE – CR. ROWNTREE – 8:59PM

Moved Cr. Bland, Sec. Cr. Taylor that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excepting the Acting Chief Executive Officer, Finance Manager, Organisational Development Coordinator and Executive Assistant) be excluded from attendance at the meeting to the extent that the Council considers it necessary to receive, discuss or consider in confidence the item – Question with notice – Cr. Rowntree.

That the Council is satisfied that pursuant to section 90(3)(a) and (g) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item are:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and
- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order of direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

Voting for the motion were Councillors Arthur, Bland,
Hill, Qualmann, Rowntree, Simmons and Taylor
Voting against the motion was Councillor Jaensch
The Mayor declared the motion CARRIED

The public left the meeting at 9:00pm.

Discussion occurred amongst Council Members regarding Cr. Rowntree's question with notice in relation to Cr. Jaensch's question without notice raised at the 16 July ordinary Council meeting and request for further elaboration, and the Acting Chief Executive Officer's response provided.

257/19 OUT OF CONFIDENCE – 9:12PM

Moved Cr. Bland, Sec. Cr. Hill that under section 90(3)(a) and (g) of the Local Government Act 1999, the Council pursuant to sections 91(7)(b) and 91(9) of that Act order that the discussion be released immediately from confidence.

CARRIED UNANIMOUSLY

The public returned to the meeting at 9:12pm.

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258/19 INTO CONFIDENCE – CR. NR JAENSCH – COST OF LEGAL ADVICE – 9:13PM

Moved Cr. Bland, Sec. Cr. Rowntree that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excepting the Acting Chief Executive Officer, Finance Manager, Organisational Development Coordinator and Executive Assistant) be excluded from attendance at the meeting to the extent that the Council considers it necessary to receive, discuss or consider in confidence the item – Cr. NR Jaensch – cost of legal advice.

That the Council is satisfied that pursuant to section 90(3)(a)(e) and (g) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item are:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (e) matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person; and
- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order of direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

CARRIED UNANIMOUSLY

The public left the meeting at 9:13pm.

259/19 CR. NR JAENSCH – COST OF LEGAL ADVICE

Moved Cr. Jaensch, Sec. Cr. Bland that a summary of all legal costs incurred by Council between November 2018 and June 2019 in relation to the CEO, the alleged incident in the chamber in March 2019 and the 2017/18 Accounting review be presented to Council.

AMENDMENT

Moved Cr. Arthur, Sec. Cr. Rowntree:

1. That Council subject to confidentiality constraints, be provided within three (3) months, a summary of internal and legal costs incurred in the 2018-19 financial year; and
2. That the report to provide information regarding matters investigated, the date of the matter, and the outcomes and cost.

Voting for the amendment were Councillors Arthur,
Qualmann, Rowntree, Simmons and Taylor

Voting against the amendment were Councillors Bland, Hill and Jaensch

The amendment was CARRIED

The amendment became the motion and was PUT

Voting for the motion were Councillors Arthur,
Qualmann, Rowntree, Simmons and Taylor

Voting against the motion were Councillors Bland, Hill and Jaensch

The Mayor declared the motion CARRIED

260/19 OUT OF CONFIDENCE – 9:30PM

Moved Cr. Bland, Sec. Cr. Arthur that under section 90(3)(a)(e) and (g) of the Local Government Act 1999, the Council pursuant to sections 91(7)(b) and 91(9) of that Act order that the discussion and resolution be released immediately from confidence.

CARRIED UNANIMOUSLY

The public returned to the meeting at 9:30pm.

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Cr. Taylor left the meeting at 9:31pm.

261/19 INTO CONFIDENCE – CR. NR JAENSCH – HUMAN RESOURCE COST – 9:31PM

Moved Cr. Rowntree, Sec. Cr. Jaensch that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excepting the Acting Chief Executive Officer, Finance Manager, Organisational Development Coordinator and Executive Assistant) be excluded from attendance at the meeting to the extent that the Council considers it necessary to receive, discuss or consider in confidence the item – Cr. NR Jaensch – human resource cost.

That the Council is satisfied that pursuant to section 90(3)(a) and (g) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item are:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and
- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order of direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

CARRIED UNANIMOUSLY

The public left the meeting at 9:31pm.

The Mayor sought and was granted leave of the meeting to extend the ordinary meeting past 9:30pm to consider the remaining items on the agenda.

265/19 OUT OF CONFIDENCE – 9:50PM

Moved Cr. Bland, Sec. Cr. Rowntree that under section 90(3)(a) and (g) of the Local Government Act 1999, the Council pursuant to section 91(7)(b) of that Act order that the discussion and minute be held in confidence until the report as required by minute 263/19 is presented to Council (and reviewed at least annually until further order).

CARRIED UNANIMOUSLY

The public returned to the meeting at 9:50pm.

266/19 INTO CONFIDENCE – CR. NR JAENSCH – AUDITING AND ACCOUNTANCY COSTS – 9:51PM

Moved Cr. Rowntree, Sec. Cr. Arthur that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excepting the Acting Chief Executive Officer, Finance Manager, Organisational Development Coordinator and Executive Assistant) be excluded from attendance at the meeting to the extent that the Council considers it necessary to receive, discuss or consider in confidence the item – Cr. NR Jaensch – auditing and accountancy costs.

That the Council is satisfied that pursuant to section 90(3)(g) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item are:

- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order of direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

CARRIED UNANIMOUSLY

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267/19 CR. NR JAENSCH – AUDITING AND ACCOUNTANCY COSTS

Moved Cr. Jaensch, Sec. Cr. Bland that the cost of all extraordinary auditing and accountancy costs for the period November 2018 to June 2019 be identified and reported back to Council within three (3) months.

Voting for the motion were Councillors Bland and Jaensch

Voting against the motion were Councillors Arthur,
Hill, Qualmann, Rowntree and Simmons

The Mayor declared the motion LOST

268/19 OUT OF CONFIDENCE – 10:01PM

Moved Cr. Hill, Sec. Cr. Bland that under section 90(3)(g) of the Local Government Act 1999, the Council pursuant to sections 91(7)(b) and 91(9) of that Act order that the discussion and resolution be released immediately from confidence.

CARRIED UNANIMOUSLY

The public returned to the meeting at 10:01pm.

CLOSURE

There being no further business, the Mayor declared the meeting closed at 10:01pm.

CERTIFIED CORRECT..... CHIEF EXECUTIVE OFFICER

CONFIRMED / / 2019..... MAYOR