

**MINUTES OF CITY OF MOUNT GAMBIER SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 31 MARCH 2020 AT 5.33 P.M.**

PRESENT: Mayor Lynette Martin (OAM)

PRESENT BY ELECTRONIC MEANS: Cr Sonya Mezinec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner (from 5.50 p.m.), Cr Frank Morello, Cr Steven Perryman (from 5.34 p.m.)

OFFICERS IN ATTENDANCE:

Chief Executive Officer	- Mr A Meddle
General Manager Community Wellbeing	- Ms B Cernovskis
General Manager City Infrastructure	- Mr N Serle
General Manager City Growth	- Dr J Nagy
Manager Executive Administration	- Mr M McCarthy
Communications Officer	- Mrs A Watson
IServices Support Officer	- Mr A Myers

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 ATTENDANCE AT MEETINGS BY ELECTRONIC MEANS

RESOLUTION 2020/131

Moved: Cr Steven Perryman

Seconded: Cr Max Bruins

1. That the 'Attendance at Meetings by Electronic Means' text as presented to the Special Council Meeting held on 31 March 2020 as an extraordinary item is adopted, by a quorate of Council Members, for inclusion in Council Policy C410 Conduct of Meetings.

CARRIED



5 NEW CONFIDENTIAL ITEMS

5.1 COVID-19 - URGENT TENANCY MATTERS – REPORT NO. AR20/19703

RESOLUTION 2020/132

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle, J Nagy and A Myers be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR20/19703 COVID-19 - Urgent Tenancy Matters.

The Council is satisfied that, pursuant to section 90(3) (b) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

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 because the report references the Council's commercial tenancies and future activities may be compromised through release. The public interest in the disclosure of this information is outweighed by the community benefit arising from the commercial arrangements.

CARRIED

Cr Jenner entered meeting at 5.50 p.m.



RESOLUTION 2020/133

Moved: Cr Ben Hood

Seconded: Cr Kate Amoroso

1. That Council Report No. AR20/19703 titled 'COVID-19 - Urgent Tenancy Matters' as presented on 31 March 2020 be noted.
2. That Council waives the equivalent of one years rent for all community tenancies for the 2019/20 or 2020/21 financial years.
3. That Council waives the equivalent of one years rent and maintenance reimbursement (where applicable) for all sporting tenancies for the 2019/20 or 2020/21 years.
4. That Council waives any outstanding tourism tenancy rent for the remainder of the 2019/20 year on a pro-rata basis and will review any future tourism tenancy rent on a monthly basis from 1 July 2020.
5. That the Chief Executive Officer be delegated the authority to waive rent for tourism tenancies until the end of the current public health emergency and to provide Council with a quarterly update in the next financial year as to the impact of this on the Council's budget.
6. That community, sporting and tourism tenants be advised of the Council's decision.
7. That Council considers on a case by case basis applications for hardship faced by commercial tenants with a view to enabling their continued operations into the long-term.
8. That the Chief Executive Officer be delegated to waive rent for commercial tenancies on a case by case basis upon application up to a maximum cumulative total \$60,000.

CARRIED

RESOLUTION 2020/134

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR20/19703 COVID-19 - Urgent Tenancy Matters and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Cr Perryman left meeting at 5.52 p.m.

Cr Perryman re-entered meeting at 5.53 p.m.



5.2 COVID-19 - COUNCIL RATE CONSIDERATIONS – REPORT NO. AR20/19861

RESOLUTION 2020/135

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle, J Nagy and A Myers be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.2 AR20/19861 COVID-19 - Council Rate Considerations.

The Council is satisfied that, pursuant to section 90(3) (e) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person

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 because it is reasonably anticipated that the safety and security of Council Members may be at risk from unreasonable community pressure relating to the subject matter of the report resulting in undue and unbalanced influence being made on the decision making process in relation to Council's response to the COVID19 pandemic health emergency.

CARRIED

Cr Perryman left meeting at 5.58 p.m.

Cr Perryman re-entered meeting at 5.59 p.m.



RESOLUTION 2020/136

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR20/19861 titled 'COVID-19 - Council Rate Considerations' as presented on 31 March 2020 be noted.
2. That Council approves:
 - a) The deferral of rate payment by three months with the due date for the fourth instalment deferred to 13 September and/or for any earlier rate payment arrears for any rate payer who request this deferral quoting meeting the requirements under the hardship clause.
 - b) The remission of new fines and interest charges on outstanding rate payments between now and 'the determined date'.
 - c) The remission of the infringement administration fee between now and 'the determined date', and confirming that this infringement administration fee will only be charged 30 days following 'the determined date' in case the infringement is still outstanding at that time.
 - d) That 'the determined date' be set to 30 June 2020.

CARRIED

RESOLUTION 2020/137

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.2 AR20/19861 COVID-19 - Council Rate Considerations and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (e) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



5.3 COVID-19 - REDEPLOYMENT AND EMPLOYMENT – REPORT NO. AR20/20368

RESOLUTION 2020/138

Moved: Cr Sonya Meziniec
Seconded: Cr Kate Amoroso

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle, J Nagy and A Myers be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.3 AR20/20368 COVID-19 - Redeployment and Employment.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

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 because the report refers to redeployment and employment of staff, being information concerning the personal affairs of staff and potential staff.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To discuss Item 5.3 COVID – Redeployment and Employment

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 6.15 p.m.

Cr Perryman left the meeting at 6.26 p.m.

Cr Perryman re-entered the meeting at 6.27 p.m.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 6.30 p.m.



RESOLUTION 2020/139

Moved: Cr Kate Amoroso
Seconded: Cr Christian Greco

1. That Council Report No. AR20/20368 titled 'COVID-19 - Redeployment and Employment' as presented on 31 March 2020 be noted.
2. That the Council's approach will be to responsibly invest for success in our people and our economy, which will underpin our recovery and help our community recover as quickly as possible.
3. That Council specifies its priorities for our people, our economy and our recovery, as follows:
 - a) That Council employees will be redeployed to critical frontline services within our community to support our people and to coordinate and support the work of others.
 - b) That Council supports more work to underpin the projects identified within the Employment section of this report and a quantifying of the costs associated with each.

CARRIED

RESOLUTION 2020/140

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.3 AR20/20368 COVID-19 - Redeployment and Employment and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

5.4 COVID-19 AND THE COMMUNITY AND RECREATION HUB – REPORT NO. AR20/20367

RESOLUTION 2020/141

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle, J Nagy and A Myers be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.4 AR20/20367 COVID-19 and the Community and Recreation Hub.



The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

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 because the report refers to the tender process and activities associated with the Community and Recreation Hub prior to its completion.

CARRIED

Cr Amoroso left the meeting at 6.44 p.m.

RESOLUTION 2020/142

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.4 AR20/20367 COVID-19 and the Community and Recreation Hub and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

5.5 COVID-19 - SA PUBLIC HEALTH ACT 2011 DELEGATIONS – REPORT NO. AR20/19633

RESOLUTION 2020/143

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle, J Nagy and A Myers be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.5 AR20/19633 COVID-19 - SA Public Health Act 2011 Delegations.

The Council is satisfied that, pursuant to section 90(3) (e) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:



- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person

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 because the information contained in the report relates to the security of Council employees and safety of members of the community relating to the COVID-19 pandemic.

CARRIED

Cr Amoroso re-entered meeting at 6.57 p.m.

RESOLUTION 2020/144

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR20/19633 titled 'COVID-19 - SA Public Health Act 2011 Delegations' as presented on 31 March 2020 be noted.
2. That Council support the increased, temporary use of delegations to ensure business continuity, including cross-council delegations and delegations to staff to support the role of Environmental Health Officers under the Public Health Act, to be reviewed in 6 months.

CARRIED

RESOLUTION 2020/145

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.5 AR20/19633 COVID-19 - SA Public Health Act 2011 Delegations and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (e) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



5.6 COVID19 - MISCELLANEOUS MATTERS – REPORT NO. AR20/20507

RESOLUTION 2020/146

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle, J Nagy and A Myers be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.6 AR20/20507 COVID19 - Miscellaneous Matters.

The Council is satisfied that, pursuant to section 90(3) (a), (d), (e) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 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, or
 - to confer a commercial advantage on a third party
- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

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 because the information to be considered includes information relating to the public health safety of the community and Council Officers, information relating to the employment terms and conditions of Council Officers and commercial information provided on a confidential basis to Council creating a duty of confidence.

The public interest in the disclosure of the commercial information of a confidential nature is outweighed by the community benefit arising from the business activity to which it applies, which activity could be jeopardised or which a 3rd party may be conferred a commercial advantage if the information were disclosed.

CARRIED



MOTION

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

1. That Council Report No. AR20/20507 titled 'COVID19 - Miscellaneous Matters' as presented on 31 March 2020 be noted.
2. That the Council's principal office hours be reduced to 1000-1400hrs and that visitors be by appointment only.
3. That the resolutions relating to the holding of a waste workshop by the end of the first quarter 2020 and the holding of an event with the District Council of Grant be deferred pending the end of the COVID-19 health emergency.
4. That the Chief Executive Officer be granted authority to reduce the fee charged for the use of the chapel at Carinya from \$290 to \$55 (inclusive of GST) until the lifting of the restrictions on the number of attendees at a funeral.
5. That Council write to the Premier and Treasurer seeking that all fees, charges and levies be frozen and that councils be able to dispose of recyclables to landfill without penalty during this period of health emergency.

AMENDMENT

Moved: Cr Kate Amoroso

1. That Council Report No. AR20/20507 titled 'COVID19 - Miscellaneous Matters' as presented on 31 March 2020 be noted.
2. That the Council's principal office hours be reduced to 1000-1400hrs and that visitors be by appointment only.
3. That the resolutions relating to the holding of a waste workshop by the end of the first quarter 2020 and the holding of an event with the District Council of Grant be deferred pending the end of the COVID-19 health emergency.
4. That the Chief Executive Officer be granted authority to reduce the fee charged for the use of the chapel at Carinya from \$290 to \$0 (inclusive of GST) until the lifting of the restrictions on the number of attendees at a funeral.
5. That Council write to the Premier and Treasurer seeking that all fees, charges and levies be frozen and that councils be able to dispose of recyclables to landfill without penalty during this period of health emergency.

The amendment lapsed for want of a seconder.



RESOLUTION 2020/147

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

1. That Council Report No. AR20/20507 titled 'COVID19 - Miscellaneous Matters' as presented on 31 March 2020 be noted.
2. That the Council's principal office hours be reduced to 1000-1400hrs and that visitors be by appointment only.
3. That the resolutions relating to the holding of a waste workshop by the end of the first quarter 2020 and the holding of an event with the District Council of Grant be deferred pending the end of the COVID-19 health emergency.
4. That the Chief Executive Officer be granted authority to reduce the fee charged for the use of the chapel at Carinya from \$290 to \$55 (inclusive of GST) until the lifting of the restrictions on the number of attendees at a funeral.
5. That Council write to the Premier and Treasurer seeking that all fees, charges and levies be frozen and that councils be able to dispose of recyclables to landfill without penalty during this period of health emergency.

CARRIED

Cr Greco left meeting at 7.20 p.m. and did not return.

Cr Amoroso left meeting at 7.20 p.m. and did not return.

RESOLUTION 2020/148

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.6 AR20/20507 COVID19 - Miscellaneous Matters and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (d), (e) and (g) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



5.7 COVID19 - COUNCIL ACTION PLAN - DISCUSSION – REPORT NO. AR20/20732

RESOLUTION 2020/149

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle, J Nagy and A Myers be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.7 AR20/20732 COVID19 - Council Action Plan - Discussion.

The Council is satisfied that, pursuant to section 90(3) (b) and (e) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person

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 because the information to be discussed could reasonably confer a commercial advantage on a third party, and public safety associated with the COVID19 pandemic state of emergency.

The public interest in the disclosure of the information that could confer a commercial advantage on a third party is outweighed in the circumstances by the community benefit to be achieved by the proposed outcomes to be discussed in-confidence.

CARRIED

Cr Perryman left meeting at 7.25 p.m. and did not return.



RESOLUTION 2020/150

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.7 AR20/20732 COVID19 - Council Action Plan - Discussion and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (e) be kept confidential and not available for public inspection until the end of the Public Health Emergency as declared by the State and Federal Governments.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

4 MEETING CLOSE

The Meeting closed at 7.29 p.m.

The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 21 April 2020.

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PRESIDING MEMBER



REPORTS / ATTACHMENTS



RECOMMENDATION

1. That the 'Attendance at Meetings by Electronic Means' text as presented to the Special Council Meeting held on 31 March 2020 as an extraordinary item is adopted, by a quorate of Council Members, for inclusion in Council Policy C410 Conduct of Meetings.

Text for Insertion in Council Policy C410 Conduct of Meetings

ATTENDANCE AT MEETINGS BY ELECTRONIC MEANS

In accordance with the variations made by Ministerial Notice dated 30 March 2020 to the Local Government Act 1999 and Procedures at Meetings Regulations 2013 as published in the SA Government Gazette on 31 March 2020 a Council Member (including the Presiding Member) may participate in a Council Meeting by electronic means despite not being physically present at the meeting.

For the purpose of such attendance, and subject to the provisions in the Act and Regulations (as varied), Council has adopted the following code:

- In conjunction with the Presiding Member the Chief Executive Officer will create a virtual meeting for Members to attend by electronic means, and;
- The Chief Executive Officer will prepare the necessary technologies to host participation by Council Members by electronic means, including such matters as are required to ensure compliance with the Act, and;
- The participation by such means being for the specified meeting only as determined by the Presiding Member on a case by case basis, and;
- All Members (and public – where applicable) being able to hear each other whilst a Member is participating by electronic means, and;
- The Member that is participating by electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at or observing the meeting (whether all other persons or the public are physically present, or present or observing by electronic means), and;
- Noting the (varied) Act and regulatory provisions regarding disconnecting electronic means, the Presiding Member (or Acting Presiding Member) being authorised to disconnect the Member in the event that:
 - the technology or the Member participating by electronic means causes any disruption or inconvenience to the meeting, or;
 - the Member participating by electronic means declares a material conflict of interest requiring the member to leave the meeting such that they cannot view or hear any discussion or voting at the meeting, and stay out of the meeting while the matter is being discussed or voted on, or;
 - the Member participating by electronic means declares an actual or perceived conflict of interest and the manner in which they intend to deal with the conflict of interest is to leave the meeting and not participate in the matter, and;
- Should an electronic connection fail or be disconnected for any reason, any attempt(s) to re-connect are to be made at the discretion of the Presiding Member, and;

Whilst a Member can be seen and heard as participating in a Meeting by electronic means the Member shall be considered as being present at the meeting for all purposes.

Members are reminded that, unless temporarily suspended or varied by the Minister, all legislative and regulatory meeting procedural provisions continue to apply to meetings participated in by electronic means, including those relating to:

- the guiding principles
- quorum,
- amendments/variations,
- formal motions,
- leave of meeting,
- questions / motions without notice,
- short-term suspension of proceedings
- voting / divisions,
- confidentiality,
- public notice and minute keeping,
- conflict of interest,
- code of conduct
- internal review,
- complaint / reporting provisions

MEETING PROCEDURAL THOUGHTS

Being Seen and Heard

- The Ministerial Notice provides that the variation of s85 and s86 to enable participation by electronic means is subject to a participating member being both seen and heard where the electronic means of the Council Member and the Council has that functionality.

Conflict of Interest

- If a Member has a conflict of interest, they should declare it in the normal way, ensuring that all present can hear the type of conflict of interest, the nature of the conflict of interest and the action they intend to take.
- The Elected Member needs to ensure that the minute taker has recorded the Col correctly in the absence of forms.
- If the Col is such that they will leave the meeting, they will then have to leave the meeting by hanging up and they will then get a phone call inviting them to rejoin when the item is over.

Calling for a Mover and Seconder

- The Mayor will call for a mover and seconder as normal.
- Those who wish to can unmute then state what they wish to do and then mute.

Amending / Finalising a Motion

- Likely to be tricky for the minute taker – please have patience and speak clearly and slowly when amending the recommendations.

Voting

- The Mayor will work around the virtual chamber seeking a clear vote from each Councillor.
- The minute taker will record these individual votes, but they will only be reported in the minutes as normal (i.e. the overall not individual votes).
- Division protocols will follow the same model with individual Councillors being asked for their vote and a summary reported verbally by the Mayor.

Mayor to Call a Suspension of Meeting

- As staff are all going to be exercising social distancing in the chamber to ensure a comprehensive response to questions that arise during the discussions.
- They will leave the chamber after two hours of debate.
- Minute taking will continue remotely by one of the Executive.
- Should the Mayor consider the meeting is no longer audible to all Elected Members or that other matters are adversely impact on the effective conduct of the meeting, then the Mayor will suspend terminate the meeting.

5.1 COVID-19 - URGENT TENANCY MATTERS – REPORT NO. AR20/19703

Committee:	Council
Meeting Date:	31 March 2020
Report No.:	AR20/19703
CM9 Reference:	AF13/64
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report presents matters associated with Council tenancies that require immediate attention to avoid or at least assist Council's commercial and sporting/community tenants from financial stress arising from implications associated with the COVID19 crisis and state of emergency.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council.

REPORT RECOMMENDATION

1. That Council Report No. AR20/19703 titled 'COVID-19 - Urgent Tenancy Matters' as presented on 31 March 2020 be noted.
2. That Council waives the equivalent of one years rent for all community tenancies for the 2019/20 or 2020/21 financial years.
3. That Council waives the equivalent of one years rent and maintenance reimbursement (where applicable) for all sporting tenancies for the 2019/20 or 2020/21 years.
4. That Council waives any outstanding tourism tenancy rent for the remainder of the 2019/20 year on a pro-rata basis and will review any future tourism tenancy rent on a monthly basis from 1 July 2020.
5. That the Chief Executive Officer be delegated the authority to waive rent for tourism tenancies until the end of the current public health emergency and to provide Council with a quarterly update in the next financial year as to the impact of this on the Council's budget.
6. That community, sporting and tourism tenants be advised of the Council's decision.
7. That Council considers on a case by case basis applications for hardship faced by commercial tenants with a view to enabling their continued operations into the long-term.
8. That the Chief Executive Officer be delegated to waive rent for commercial tenancies on a case by case basis upon application up to a maximum cumulative total \$60,000.



BACKGROUND

The Council has a range of community/sporting, commercial and semi-commercial tenancies that occupy facilities under a range of varying rental arrangements.

Implications associated with the COVID19 crisis and associated state of emergency and tiered shutdowns of activities have had an immediate impact on certain tenants. It is expected to have similar impacts for other tenants as their income producing activities are affected.

As with other levels of government and other Councils, the City of Mount Gambier has the opportunity to relieve its tenants of certain financial obligations, noting the community subsidy arising from such relief, and the difficulty of applying such support on an equitable basis to tenants and non-tenants.

DISCUSSION

This discussion has been broken into separate headings to separately deal with 'like' tenancies irrespective of whether the tenancies are leases (exclusive) or licences (non-exclusive).

Community Tenancies

Community Tenants can be categorised as the various (generally non-sporting) community groups that occupy Council facilities.

These groups generally pay a 'peppercorn' annual rental (\$495+gst for 2019/2020) in accordance with [Council Policy R200 – Community Land \(Reserves\) Lease / Licence / Rental Arrangements](#) as well as any other outgoings (expenses) incurred by Council in association with their occupancy. Outgoings are generally limited to costs associated with the provision and consumption of utilities and other taxes as incurred by Council.

Community rentals are invoiced and payable annually in the first half of each financial year, such that most community tenants should have already paid their 2019/2020 rental.

It should also be noted that some community tenancies incur their utility costs directly (i.e. billing is in their own name) such that any waiver of outgoings would not be equally beneficial for all tenants.

Further, many community groups occupy non-Council premises, such that any benefit provided to Council's own tenants could create inequity where Council supported only those occupying Council facilities, a benefit not enjoyed by all community groups.

That any outstanding community tenancy rent be waived for the remainder of the current year. Should the matter proceed into 2020/21, it is recommended that no lease charges be levied for community tenancies for the 2020/21 municipal year.

Sporting Tenancies

Sporting Tenants can be categorised, as the description reflects, as sporting clubs that occupy Council facilities either as users of grounds and/or buildings.

Similar to community tenants sporting tenants pay a 'peppercorn' annual rental (\$495+gst for 2019/2020) as well as any other outgoings (expenses) incurred by Council in association with their occupancy.

Outgoings include costs associated with the provision and consumption of utilities and other taxes as incurred by Council, but in the case of certain sporting clubs also include a maintenance contribution for grounds maintenance undertaken by Council.

It is important to note that grounds maintenance is a tenant responsibility for leased grounds, with maintenance undertaken by Council essentially being a 'fee for service' arrangement that assists certain clubs to meet their grounds maintenance obligations. These services are proportionately reimbursed based on a cost recovery calculation in accordance with [Council Policy R200 – Community Land \(Reserves\) Lease / Licence / Rental Arrangements](#) such that the benefiting clubs pay only a percentage of the actual cost incurred by Council in providing the service.



Accordingly, not all sporting clubs benefit from receiving the 'fee for service' grounds maintenance undertaken by Council, undertaking the maintenance at their own cost and arrangement, and of those that do, their incurred cost is only a proportion of the actual cost, such that performance of their lease obligations is community subsidised.

It is also important to note in the current situation that summer season sporting tenants lost the end of their season fixtures with some not completing finals and grand finals. Meanwhile, winter sports are commencing their season in recess with uncertainty as to whether any matches will be played before season end.

Sporting rentals and maintenance reimbursements are invoiced and payable annually in the first half of each financial year, such that most sporting tenants should have already paid their 2019/2020 amounts.

Also, similar to community tenancies some sporting tenants incur utility their costs directly (i.e. billing is in their own name) such that any waiver of outgoings would not be equally beneficial for all tenants.

Lastly, and similar again to community groups, the city has several sporting clubs that occupy non-Council premises such that any benefit provided to Council's own tenants could create inequity where Council supported only those occupying Council facilities, a benefit not enjoyed by all sporting clubs.

Tourism Tenancies

Council has several tourism based tenancies, namely the Engelbrecht Cave & Kiosk, Umpherston Kiosk, Blue Lake Welcome Centre (Aquifer Tours), Old Gaol, and the Blue Lake Holiday (Caravan) Park.

Of all Council tenancy categories these are expected to have the most significant, immediate and continuing impact arising from the COVID19 crisis and associated state of emergency measures, being run as business and income producing activities for their private operators.

Unlike community and sporting tenancies, Council's tourism tenancies pay market-based rentals and outgoings.

Consideration to the potential waiver of rental and/or other incurred expenses for such business activities should include consideration of the equitable basis upon which community subsidy is being provided to Council tenants, a benefit that is not otherwise available to non-Council tenant businesses.

It should also be noted that the Blue Lake Holiday (Caravan) Park operator (currently a sub-tenant of the QEPT) manages a significant site for the City of Mount Gambier, and is at a sensitive stage of negotiations for the transfer of the lease arrangements between QEPT, Council and the operator.

Commercial Tenancies

Not dissimilar to its tourism tenancies, the Council's two commercial tenancies are commercially run activities, but operate in differing market conditions to tourism tenants, with potentially differing impacts arising from the COVID19 crisis and state of emergency.

The James Morrison Academy is affected by social distancing requirements such that it is operating in an online environment until its students are permitted to again re-join the campus.

The Council is currently in the process of negotiating a market rental review for the first 5 year right of renewal for the James Morrison Academy. The current and anticipated economic environment for the short-medium term increases the risk to Council of maintaining this tenancy in a high profile Council facility.

Transpacific/Cleanaway on the other hand provide an essential waste service, which whilst likely to be affected by the crisis, is expected to remain in a position to continue operations from its leased facility.



CONCLUSION

Due to the (relatively) unique nature of Council tenancies and the expectation of equity in the provision of Council support, any decision to offer rental waivers (rent holidays) to Council tenants is a difficult one, irrespective of whether the tenant is a community/sporting or commercial/business tenant.

Council has a range of potential options to consider if it seeks to provide any support to its tenants in this difficult and uncertain time, including:

- rental holiday/waiver (current/future year or pro-rated for the emergency period – may necessitate re-assessment of market rental – when market settles);
- waiver/reduction of outgoings (current/future or pro-rated);
- reduction of service levels (for 'fee for service' grounds maintenance); and
- similar benefits for non-tenants (community/sporting and/or commercial/business).

Delegated decision making is sought to enable the management of the tenancies to enable them to return to normal operations as soon as is practicable. The two commercial tenancies will be managed should a request be received from either and the delegated authority equates to a cumulative rent equivalent of six months. Beyond this Council will have to reconsider its approach in light of the information available at that time.

ATTACHMENTS

Nil



5.2 COVID-19 - COUNCIL RATE CONSIDERATIONS – REPORT NO. AR20/19861

Committee:	Council
Meeting Date:	31 March 2020
Report No.:	AR20/19861
CM9 Reference:	AF13/64
Author:	Jeroen Zwijnenburg, Manager Finance and Customer Service
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	The current COVID-19 pandemic requires the Council to be proactive in anticipating financial hardship for rate payers and customers. For that reason it is recommended that Council determines the deferral of rate payments in certain circumstances, the remission of certain fines and interest charges and changes to particular fees and charges for a limited period of time (i.e. to ‘the determined date’).
Community Plan Reference:	Goal 1: Our People Goal 3: Our Diverse Economy

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (e) matters affecting the security of the Council, or Council Members, or employees of the Council, or Council property, or the safety of any person.

REPORT RECOMMENDATION

1. That Council Report No. AR20/19861 titled ‘COVID-19 - Council Rate Considerations’ as presented on 31 March 2020 be noted.
2. That Council approves:
 - a) The deferral of rate payment by two months with the due date for the fourth instalment deferred to 13 August and/or for any earlier rate payment arrears for any rate payer who request this deferral quoting meeting the requirements under the hardship clause.
 - b) The remission of new fines and interest charges on outstanding rate payments between now and ‘the determined date’.
 - c) The remission of the infringement administration fee between now and ‘the determined date’, and confirming that this infringement administration fee will only be charged 30 days following ‘the determined date’ in case the infringement is still outstanding at that time.
 - d) That ‘the determined date’ be set to 30 June 2020.



BACKGROUND

The current COVID-19 pandemic is creating financial hardship for part of the Mount Gambier community and many of these community members are rate payers. Council has a legislative requirement to charge rates consistent with those set through the approved budget process. Under the current circumstances it is anticipated more rate payers might indicate financial hardship. The intent of this report is to provide a compassionate response for our community.

DISCUSSION

Hardship is a situation where a customer or ratepayer who wants to pay but cannot, generally due to an unforeseen change in circumstances. The impact of the COVID-19 pandemic increases the occurrences of community members requiring hardship support.

Council is keen to ensure that applications for hardship support can be addressed in a fair, equitable, effective and consistent manner. Section 182 of the Local Government Act 1999 (the Act) deals with remission and postponement of payment in circumstances where *'a council is satisfied on the application of a ratepayer that payment of rates in accordance with this Act would cause hardship'*.

The LGA has issued a draft 'Rates Hardship Policy' (March 2020) indicating that

"Councils recognise that supporting ratepayers in financial stress and hardship is a shared responsibility to which councils can contribute by offering flexible payment arrangements and ensuring respectful and dignified treatment."

"Where possible and appropriate, councils should endeavour to make consistent decisions about hardship arrangements. However, councils should also retain the flexibility to respond to the unique circumstances of individual customers."

The following **rate payer matters** are coming up for the remainder of the 2020 financial year:

- The fourth quarter instalment notices are anticipated to be sent out at or around 21 April 2020. The final due date will be 13 June 2020;
- The interest charges on overdue amounts are charged monthly, with the next upcoming dates being 14 April, 14 May and 14 June 2020;
- The fines for non-payment of rates are raised once a quarter on the first Wednesday after the instalment is due, which will be 17 June 2020;

Communication

Clear communication is required to rate payers about Council's expectations on these matters before the instalment notices hit rate payer's mail boxes or email inboxes to ensure people understand the expectations in these exceptional circumstances.

Process

The following communication and process is recommended:

1. Postponement (deferral) of Rate Payment

- Council provides communication, using multiple online and/or printed media (which could include an additional flyer that is incorporated with the rate notice) to advise that if rate payers are under financial stress they can contact the Council's Rates Officers and request a payment deferral.
- Upon contacting Council the individual rate payer – either commercial, residential or otherwise – Council will apply a two month deferral for payment of the fourth instalment rates notice, i.e. from 13 June 2020 to 13 August 2020, if the request is considered reasonable under the circumstances.
- The application process is intended to be simple, straightforward, short and not to be a source of frustration. It is not intended to impact on personal privacy, so long as it protects the Council's and community's need for due diligence.



- Additionally, upon contacting Council the individual rate payer Council will accept a deferral for payment of any earlier rate payment arrears to 13 August 2020, if the request is considered reasonable under the circumstances.

Note: This deferral will be applied upon the rate payer contacting Council with such a request and will not be a blanket deferral for all rate payers.

- Postponement of rates payment, authorised by s182 of the Act, provides a useful approach to relief for some ratepayers. Section 182(1) requires an element of hardship before it applies. Council can determine that it is sufficient, under the current circumstances, for the rate payer to state that the request is due to hardship, and that this is recorded on Council's system.

2. Remission of new fines and interest

- Council will not raise new interest charges on outstanding rate payments, irrespective of the age of these rate due dates (i.e. either before or after the start of the coronavirus) for the period between now and 'the determined date'. Historical interest charges will continue to remain as a receivable but will not accrue new interest charges between now and 'the determined date'.
- Council will not charge new fines for late payment of outstanding rate payments, irrespective of the age of these rate due dates (i.e. either before or after the start of the coronavirus) for the period between now and 'the determined date'. Historical fines for late payments will continue to remain as a receivable.
- It should be noted that there is no need for a council to be satisfied that a ratepayer is suffering hardship if an arrangement is to be made (including by way of remission) in respect of interest or fines.

3. Remission of rates

At this stage it is not recommended to seek remissions of rates, as per the LGA Draft report:

- Remissions may be used to provide additional flexibility in councils' rating policies. They are authorised by s182 of the Act that enables councils to write off rates in certain circumstances.
- Section 182 requires an element of hardship before it applies.
- Rates may be remitted in whole or in part.
- It should be noted that s 182(7) requires a comparable remission be given for separate rates, service rates and service charges. The resultant impacts should be modelled.
- Remission has a final effect and is likely to only be appropriate in circumstances where the ratepayer has demonstrated serious and long-term hardship and where there is little to no chance of amelioration of the ratepayer's financial circumstances.
- Consideration must also be given to the redistribution effect on other ratepayers of any remission.
- For these reasons and given the importance of ensuring fairness to other ratepayers, remission should only generally be considered as a last resort.

The following **fees and charges related matters** are also impacted by the current COVID-19 pandemic.

Process

The following communication and process is recommended:

Remission of new administration charges

Council in normal circumstances raises an administration fee of \$55 on dog and parking infringement when these are paid late – i.e. 30 days from issue date.

Historically, a large share of these infringements incur an overdue fee.

Taking into account the current unprecedented situation it is recommended that between now and 'the determined date' this administration fee is not charged, but that it will only be charged 30 days following 'the determined date' in case the infringement is still outstanding at that time.



For both rates and fees and charges related matters:

That 'the determined date' be set to 30 June 2020.

Council will revisit, if considered necessary, a potential extension to the deferral dates for rate payments and the non-raising of interest and fines at or around 'the determined date'.

The implications for Council include the following:

- The due date for the first rate payment instalment for FY2021 might fall due very close to the revised due date for the deferred fourth rate notice instalment for FY2020. This might require Council to provide some further deferral of the first rate notice instalment in FY2021.
- Part of the rates revenue will be received at a later date than normal. Subject to other cash flow implications of the coronavirus pandemic, this might necessitate Council to draw on its existing CAD facility with the LGFA. Council's CAD facility scope is sufficient for these purposes under the above circumstance.
- Council will receive reduced income from interest and fines for this period, whilst there will be marginally more money in our economy because of this approach.

CONCLUSION

The current COVID-19 pandemic requires the Council to be proactive in anticipating financial hardship for rate payers and customers. For that reason it is recommended that Council determines the following:

- The postponement (deferral) of rate payment by two months with the due date for the fourth instalment deferred to 13 August and/or for any earlier rate payment arrears for any rate payer who request this deferral quoting meeting the requirements under the hardship clause.
- The remission of new fines and interest charges on outstanding rate payments between now and 'the determined date'.
- The remission of the infringement administration fee between now and 'the determined date', and confirming that this infringement administration fee will only be charged 30 days following 'the determined date' in case the infringement is still outstanding at that time.
- That 'the determined date' be set to 30 June 2020.

ATTACHMENTS

Nil



5.3 COVID-19 - REDEPLOYMENT AND EMPLOYMENT – REPORT NO. AR20/20368

Committee:	Council
Meeting Date:	31 March 2020
Report No.:	AR20/20368
CM9 Reference:	AF13/64
Author:	Andrew Meddle, Chief Executive Officer
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	A report to seek Council consensus on the approach to the redeployment of staff and responsible investment in our people, our economy and our recovery.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

REPORT RECOMMENDATION

1. That Council Report No. AR20/20368 titled 'COVID-19 - Redeployment and Employment' as presented on 31 March 2020 be noted.
2. That the Council's approach will be to responsibly invest for success in our people and our economy, which will underpin our recovery and help our community recover as quickly as possible.
3. That Council specifies its priorities for our people, our economy and our recovery, as follows:
 - a) That Council employees will be redeployed to critical frontline services within our community to support our people and to coordinate and support the work of others.
 - b) That Council supports more work to underpin the projects identified within the Employment section of this report and a quantifying of the costs associated with each.



BACKGROUND

This report is intended to identify some of the challenges and opportunities facing the organisation and community and to seek to identify some principles around which operations can be undertaken.

Council are aware that Foodbank have requested support from the Council, which has been provided. Meals on Wheels have also requested support and this is likely to increase, given the age profile of their volunteers and their increased risk.

The Council is in a good financial position. It has reserves and access to two existing CAD facilities of \$5m. The LGFA have made it clear that the Council can borrow significant sums if required. Normally for Council's the responsible use of debt for infrastructure investment generally come without a significant repayment risk, but the Council has to consider its ability to repay in light of current and possible future impacts on income and in terms of its overall level of borrowing that it wishes to carry.

In the last century there were significant successes with regards to investment following difficult times, both in Australia and around the globe. The situation we face now is no different. The question is how does Council wish to respond? This report forms a conversation starter for Elected Members and the Administration do not have a monopoly on good ideas; more are sought to provide vital support across our community.

DISCUSSION

Redeployment

Over the last two weeks or so, the Executive have been coordinating a better level of understanding in terms of service provision, home working and staff flexibility in an evolving landscape. The Prime Minister's statements on 24th March 2020 provide the context for the work that has then been undertaken when he stated that "*Everyone who has a job in this economy is an essential worker*". The State Government has also made it clear that they expect Councils to keep delivering services.

The Council staff are also part of this community. They have family members who no longer have a job. They may now be the sole breadwinner. They also feel that they have a stake in this community and how we come back stronger. Across the board, officers have offered to support community organisations and said that they would be proud to serve their community.

There are some key roles, that at this time won't be redeployed, but many are available. There are likely to be requests from the State and Federal Governments to provide specialists or generalists to support their services. As requests come in these will all be listened too and triaged. Other staff are being given new delegations so that they may support the work of the five Environmental Health Officers trying to serve the region.

The approach taken has been to prioritise some services over others to keep the waste collection service going, to keep the doors open at Carinya, to keep the City looking good when people take exercise, etc.

Employment

As stated earlier, Australia has a history of investment during and following difficult times. The following are ideas for investment in our City, which will not only provide work for existing staff, but also for new staff and local businesses:

OUR PEOPLE

Feeding our most vulnerable by reactivating hospitality businesses to prepare meals for those, for example, whose only decent meal each day was at school which they will no longer get, to support Meals on Wheels who expect a doubling of their demand. Council staff can coordinate and then deliver the meals.

Reducing social isolation by visiting properties and saying "Hello" through a window or leaving a card to see if someone needs help.



Capital investment in clubs, whilst they are not being actively used. This could be investment to help with Generations in Jazz accommodation or other matters through the creation of a fund.

Accelerated investment in public buildings, whilst they are not being used as the staff are working from home. This is the acceleration of work that will be required through the asset management planning regime.

Investment in infrastructure that reduces our operating expenditure, such as LED technology lights, which will have a long lasting benefit for ratepayers in the City.

Investment in infrastructure to prepare us for the recovery phase and to put us ahead of competitors.

OUR ECONOMY

Increased use of local suppliers to support the items in Our People and Our Recovery.

Increased use of local contractors for additional work to support the items in Our People and Our Recovery.

Connecting opportunities for local, regional and opportunities further afield for work by connecting employers and job seekers through information provision.

OUR RECOVERY

50 new outside jobs for six months (or longer) to do work across the City enhancing the look and feel of the City, with the ensuing community wellbeing benefits, together with self-esteem. Such projects could include:

- Conservation Park activities
- Crater Lake improvements
- Graffiti cleaning
- Painting play equipment and buildings
- Path improvement
- Planting new vegetation and trees
- Pruning street trees
- Putting together new play equipment.
- Weeding

Community and Recreation Hub – as set out elsewhere in the agenda.

CONCLUSION

It is not intended that the above form an exhaustive list, nor that they should all be funded solely by Council. There are significant opportunities to find grant funding and to partner with others to ensure delivery.

ATTACHMENTS

Nil



5.5 COVID-19 - SA PUBLIC HEALTH ACT 2011 DELEGATIONS – REPORT NO. AR20/19633

Committee:	Council
Meeting Date:	31 March 2020
Report No.:	AR20/19633
CM9 Reference:	AF13/64
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	A report providing a brief update and seeking support for the proposed Council position on delegations.
Community Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (e) matters affecting the security of the Council, or Council Members, or employees of the Council, or Council property, or the safety of any person.

REPORT RECOMMENDATION

1. That Council Report No. AR20/19633 titled 'COVID-19 - SA Public Health Act 2011 Delegations' as presented on 31 March 2020 be noted.
2. That Council support the increased, temporary use of delegations to ensure business continuity, including cross-council delegations and delegations to staff to support the role of Environmental Health Officers under the Public Health Act.



BACKGROUND

Council makes delegations of power to the Chief Executive Officer under a range of different legislation to enable the efficient administration of Council functions.

This includes the delegation (and subsequent sub-delegation) of powers and functions under the SA Public Health Act 2011.

Recent communications from the Local Government Association in response to the COVID19 crisis have identified that some Councils do not have sufficient delegations in place to empower the Chief Executive Officer to act under the SA Public Health Act 2011.

The City of Mount Gambier has adopted the Local Government Association delegation templates including for the SA Public Health Act, such that the Chief Executive Officer is sufficiently empowered in the current environment.

DISCUSSION

Notwithstanding the appropriate delegations to the Chief Executive Officer under the SA Public Health Act 2011 being in place, the COVID19 crisis and resulting state of emergency that has been declared highlights the extent to which Council and the region is equipped with suitably qualified and appointed officers to deal with the anticipated matters that are expected to arise in the coming weeks and months.

The City of Mount Gambier has two qualified and appointed Environmental Health Officers (“EHO’s”). In the lead up to the current crisis it has been determined between the Chief Executive Officers of the City, District Council of Grant and Wattle Range Councils that it would be appropriate to cross-authorise the three Councils EHO’s to ensure coverage and redundancy in the current crisis and beyond.

Further to this, it has been identified that with such a health state of emergency it is becoming increasingly likely that the small number of EHO’s within our region are likely, particularly in the absence of immediate assistance from adjoining Councils or the State as might be anticipated if our Councils were located in the Adelaide metropolitan area, to require assistance in the performance of their duties and functions over the short-medium term.

Such assistance is able to be provided by suitably (sub) delegated and/or authorised officers under the SA Public Health and Local Government Acts. It has been clarified that such officers are not required to be specifically qualified, experienced or appointed as EHO’s.

There remains the potential for staff to be called up in support of SA Health or SAPOL in certain circumstances, but these roles are likely to use delegations from the State Government, rather than under the Local Government Act 1999.

The Chief Executive Officer has previously been delegated the necessary powers to sub-delegate and appoint authorised officers to meet this need and in the current environment has determined that existing Council Officers be utilised for this purpose. Such appointments may be within existing position arrangements or as secondment/redeployment arrangements to suit organisational needs.

Such appointees would be made available to assist the Council’s/regions EHO’s as well as state and federal government officials in their duties within the Council area/region.

Such arrangements, in the event that broader shutdown of non-essential Council functions were mandated, would provide meaningful, necessary and essential work activities to engage Council staff that might otherwise be directed to remain at home

It should also be noted that the State Parliament passed temporary legislative changes to the Local Government Act 1999 to empower the Minister to suspend, by notice in the Government Gazette, the operation of parts of that Act as considered necessary to curb the COVID19 threat and associated procedural issues such as public attendance at meetings and timeframes for certain statutory activities.



Councils are awaiting confirmation of any immediate suspensions and will keep Council Members informed of such matters.

CONCLUSION

The Chief Executive Officer will make extensive use of sub-delegations to ensure that the roles needed to support our community are maintained. There will be cross-delegations between Councils so that we can get support should we need it and delegations to staff with regulatory backgrounds to support the role of EHOs by being eyes and ears and bringing back intelligence to support their work for our community.

ATTACHMENTS

Nil



5.6 COVID19 - MISCELLANEOUS MATTERS – REPORT NO. AR20/20507

Committee:	Council
Meeting Date:	31 March 2020
Report No.:	AR20/20507
CM9 Reference:	AF13/64
Author:	Andrew Meddle, Chief Executive Officer
Authoriser:	Andrew Meddle, Chief Executive Officer
Summary:	This report presents a range of matters for consideration in relation to Council’s response to the COVID19 health crisis.
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

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

REPORT RECOMMENDATION

1. That Council Report No. AR20/20507 titled ‘COVID19 - Miscellaneous Matters’ as presented on 31 March 2020 be noted.
2. That the Council’s principal office hours be reduced to 1000-1400hrs and that visitors be by appointment only.
3. That the resolutions relating to the holding of a waste workshop by the end of the first quarter 2020 and the holding of an event with the District Council of Grant be deferred pending the end of the COVID-19 health emergency.
4. That the Chief Executive Officer be granted authority to reduce the fee charged for the use of the chapel at Carinya from \$290 to \$55 (inclusive of GST) until the lifting of the restrictions on the number of attendees at a funeral.
5. That Council write to the Premier and Treasurer seeking that all fees, charges and levies be frozen and that councils be able to dispose of recyclables to landfill without penalty during this period of health emergency.



BACKGROUND

This report is intended to provide guidance and seek decisions from Elected Members to enable the Council to keep operating safely and to make changes to existing operations to ensure matters are dealt with as compassionately as possible during the COVID-19 emergency.

DISCUSSION

Principal Office

Section 45 of the Local Government Act 1999 provides that a council must nominate a place as its principal office and, subject to subsection (3), the principal office must be open to the public for the transaction of business during hours determined by the council.

Members may recall that at the first Council meeting of the current term on 22 November 2018 Council resolved that the Civic Centre be the Principal Office, and that the opening times for the public to transact business be 8:30am to 5:15pm. The powers and duties associated with s45 are also delegated to the Chief Executive Officer.

Accordingly, a proposed change to the principal office or the hours during which it is open to the public to transact business may be by a Member Motion With Notice to rescind (or amend), a report of the Chief Executive Officer under regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013, or by the Chief Executive Officer under delegation.

This report notes that in the current exceptional health situation the Chief Executive Officer has, in the interests of public and employee health and safety, restricted physical public access to the principal office of Council (and other Council offices and buildings).

Subsection (3) provides that a council should consult with its local community in accordance with its public consultation policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements. In the circumstances it is considered that the public health implications far outweigh any outcomes that could arise from such consultation.

Nevertheless, Council will be actively promoting the temporary changes and collate any community feedback for consideration by Council at a future time, either during or in review of the current crisis.

It is important to note however, that whilst physical public attendance at the principal office (and other offices and buildings) has been restricted, the service and administration functions of these sites continue by other means, including a skeleton staff consistent with social distancing requirements whilst other employees work remotely from home.

In the absence of physical service at the principal office (and other offices and buildings) Council Officers are promoting alternative methods of accessing Council services, including telephone, pick-up, delivery and online. It is also relevant to note that a good proportion of Councils services and activities are already performed by phone or in writing (including email) without physical office attendance.

The number one priorities at this uncertain time are to ensure, as best Council is able in the circumstances, the health and safety of the public and officers, and to provide good information and services.

It is anticipated that as this health crisis and its flow-on effects continue, Councils focus will turn from the provision of ordinary Council services, to those necessary to maintain and rebuild our community.

Importantly, the type and extent of community support sought to be provided by Council in the short-medium term remains uncertain, such that continued engagement of Council employees during the evolving nature of this crisis is considered an important aspect of having a ready workforce to manage such, potentially significant, community needs.



In light of the situation that exists it is proposed that, with immediate effect, the Council's principal office hours be reduced to 1000-1400hrs and that visitors be by appointment only. Such an approach will enable more staff to work from home and reduce the likelihood of infection from visitors, the vast majority of whom could have transacted their business over the phone and whom were in a high risk category.

Existing Resolutions

There are two existing resolutions which are clearly timebound. The first is for a workshop on waste matters by the end the first quarter of 2020. The workshop was scheduled for 30 March 2020, but has been overtaken by events. In the current climate this is not considered a priority. The second was a social gathering with the District Council of Grant (DCG). The Mayors and CEOs have met and discussed this. DCG were unable to commit until they have finished their strategic plan. It is believed that this will not be possible under the current restrictions and so it is suggested that this matter be deferred.

Fees and Charges for Carinya

The Government has imposed restrictions on the number of mourners attending funerals. At this stage the only thing we are recommending is that the Chapel fee be reduced from the current \$290 to \$55 (inc. GST). Seating capacity has been reduced from nearly 200 to 10. This can be reviewed as the Government lifts restrictions on mourners attending funerals.

Carinya is operating with the office closed with notices on the front door and a sandwich board out asking people to call or email. Should people need to attend the office, then only two people at a time are allowed.

It is believed that this reduction in fees is a reasonable and compassionate approach at this time.

State Government Fees, Charges and Levies

It is recommended that the Council lobby the State Government to make an announcement that it is prepared to freeze all fees, charges and levies (including the Solid Waste Levy). Council may also wish to include the ability to dispose of recyclables in the Caroline Landfill without it attracting the Solid Waste Levy, noting the potential fragility of the existing provider of this service.

CONCLUSION

This report provides for a number of current issues to be dealt with and to provide a consistent approach linked to the themes of "our people; our economy; our recovery".

ATTACHMENTS

Nil

