

**FLEURIEU REGIONAL WASTE AUTHORITY
BOARD MEETING
PUBLIC MINUTES
24 JUNE 2020
10.00am – 1.00pm
City of Victor Harbor Council Chambers**

Meeting commenced at 10.04am

1. WELCOME

The Chair acknowledged the traditional custodians of the land and paid respect to their elders past and present.

2. PRESENT

| | |
|--------------------|---|
| Michael Kelledy | Independent Chairperson |
| Peter Denholm | Kangaroo Island Council elected member |
| John Fernandez | Kangaroo Island Council staff member |
| Elizabeth Williams | Alexandrina Council staff member |
| Michael Scott | Alexandrina Council elected member |
| Brian Doman | City of Victor Harbor staff member (Proxy) |
| Tim Glazbrook | City of Victor Harbor elected member |
| Andy Baker | District Council of Yankalilla staff member |
| Alistair Christie | District Council of Yankalilla elected member |

3. APOLOGIES

| | |
|----------------------|------------------------------------|
| Glenn Sanford | City of Victor Harbor staff member |
|----------------------|------------------------------------|

4. IN ATTENDANCE

FRWA Staff

| | |
|----------------|-----------------------------------|
| Simon Grenfell | Executive Officer FRWA (EO) |
| Angela Moore | Senior Finance Officer FRWA (SFO) |

5. CONFIRMATION OF MINUTES

BM20052 Moved: Michael Scott
Seconded: Peter Denholm

That the Minutes of the FRWA Board meeting held on 27 May, as circulated to members, be received as a true and correct record.

There were no matters arising.

Carried

6. DECLARATION OF CONFLICTS OF INTEREST

Michael Kelledy declared a material conflict of interest in relation to item 8.7 Attendance at the Waste Expo 2020

Michael Scott declared a potential material conflict of interest in relation to item 8.7 Attendance at the Waste Expo 2020.

7. ACTION LIST

BM20052 Moved: Alistair Christie
Seconded: Andy Baker

That the Board receive the Action list for information.

Carried

8. REPORTS FOR DECISION

8.1 FRWA INTERNAL AUDIT COMMITTEE (IAC) MINUTES

BM20053 Moved: Tim Glazbrook
Seconded: Alistair Christie

That the minutes for the FRWA Internal Audit Committee held on the 12 June 2020 be received and noted by the Board.

Carried

8.2 DRAFT FRWA 2020-30 STRATEGIC PLAN

BM20054 Moved: Peter Denholm
Seconded: Elizabeth Williams

That the updated FRWA Strategic Plan 2020-2030 as presented be endorsed and distributed to the Constituent Councils for approval.

Carried

8.3 DRAFT FRWA 2020-21 BUDGET AND BUSINESS PLAN

BM20055 Moved: Alistair Christie
Seconded: Andy Baker

That the report be received and that the Executive Officer provide an out of session report on the FRWA 2020-21 Budget once the Kangaroo Island Council has endorsed the draft FRWA 2020-21 Budget.

Carried

8.4 FINANCIAL PERFORMANCE REPORTING

BM20056 Moved: Peter Denholm
Seconded: Alistair Christie

1. That the Board endorse the revised format for both Board and Constituent Council reporting in accordance with Clause 4.1.5 of the Charter.
2. That the Board receive the financial performance report for the end of April 2020.

Carried

8.5 POLICY REVIEW – ASSET CAPITALISATION POLICY

BM20057 Moved: Andy Baker
Seconded: John Fernandez

1. That the Board endorses the adoption of version 4.0 of the Asset Capitalisation Policy – POL2029

Carried

8.6 POLICY REVIEW - REVIEW OF PROCUREMENT POLICY (POL 2001)

BM20058 Moved: Elizabeth Williams
Seconded: Tim Glazbrook

That the Board endorses the adoption of version 9.0 of the Policy for the Acquisition of Goods and Services and the Carrying out of Procurement Principle POL 2001 as attached with the an amendment to the first sentence in paragraph 1 on page 5 to include *“for any purchase under \$100,000 and otherwise by resolution of the Board”*.

Carried

8.7 APPROVAL FOR ATTENDANCE AT THE 2020 WASTE EXPO

Michael Kelledy restated a material conflict of interest in this item and left the room at 11:11am. Michael Scott declared a material conflict of interest in this item and left the room at 11:14am.

BM20059 Moved: Elizabeth Williams
Seconded: Andy Baker

The Board endorse the travel budget for the Independent Chairperson, Executive officer and one other Board member to attend the Waste Expo in Melbourne from the 21-22 October 2020 with a budget of up to \$2115.00 per person.

Carried

Michael Kelledy and Michael Scott re-entered the meeting at 11:28am.

9. CONFIDENTIAL ITEMS

9.1 LANDFILL DISPOSAL CONTRACT – SRWRA PROPOSAL

Move into Confidentiality

BM20060 Moved: Alistair Christie
Seconded: John Fernandez

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public, except the Board Members of the Authority; Executive Officer; and Senior Finance Officer, be excluded from attendance at the meeting for Agenda Item 9.1 – Landfill Disposal Contract – SRWRA Proposal

The Authority is satisfied, pursuant to section 90(3) (d) of the Act, commercial information of a confidential nature (not being a trade secret) the disclosure of which—

- (i) 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; and
- (ii) would, on balance, be contrary to the public interest;

Further, the Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because it involves the commercial in confidence information of two external parties. It is reasonable for this information to be dealt with in confidence for a period of twelve months. The FRWA Board resolves to go into confidence.

Carried

BM20062 Moved: Peter Denholm
Seconded: Andy Baker

Retain in Confidence - Section 91(7) & (9) Order

That, having considered the matter in confidence, pursuant to section 91(7) and (9) of the Local Government Act 1999, the Authority orders that:

1. That having considered Agenda Item 9.1 – Landfill Disposal Contract – SRWRA Proposal in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the

Authority, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:

- a. the minutes, reports, attachments and associated documents are to remain confidential and will not be available for public inspection for a period of twelve months, on the basis that it contains commercial information of a confidential nature 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; and
 - b. That this order be reviewed every 12 months
2. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Authority delegates to the Executive Officer the power revoke, in whole or in part, the order made in paragraph 1 of this resolution at any time.
 3. That Agenda Item 9.1 – Landfill Disposal Contract – SRWRA Proposal is retained in confidence until the contract is executed.

Carried

9.2 RECYCLING PROCESSING CONTRACT

Move into Confidentiality

BM20063 Moved: Peter Denholm
Seconded: Michael Scott

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public, except the Board Members of the Authority; Executive Officer; and Senior Finance Officer, be excluded from attendance at the meeting for Agenda Item 9.2 – Recycling Processing Contract.

The Authority is satisfied, pursuant to section 90(3) (d) of the Act, commercial information of a confidential nature (not being a trade secret) the disclosure of which—

- (i) 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; and
- (ii) would, on balance, be contrary to the public interest;

Further, the Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because it involves the commercial in confidence information of two external parties. It is reasonable for this information to be dealt with in confidence for a period of twelve months. The FRWA Board resolves to go into confidence.

Carried

BM20064 Moved: Elizabeth Williams
Seconded: Peter Denholm

1. That the Board approve the retention of a surplus as at 30 June 2020 for each Constituent Council, up to the value of estimated additional recycling cost in the 2020/21 year, to be offset against additional costs as they are incurred.
2. Any surplus amount above the estimated additional cost of recycling will be refunded to councils as per the Contributions by Constituent Councils Policy.

Carried

BM20065 Moved: Peter Denholm
Seconded: Andy Baker

Retain in Confidence - Section 91(7) & (9) Order

That, having considered the matter in confidence, pursuant to section 91(7) and (9) of the Local Government Act 1999, the Authority orders that:

1. That having considered Agenda Item 9.2 – Recycling Processing Contract in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Authority, pursuant to section 91(7) and (9) of the Local Government Act 1999, orders that:
 - a. the reports, attachments and associated documents are to remain confidential and will not be available for public inspection for a period of twelve months, on the basis that it contains commercial information of a confidential nature 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; and
 - b. That this order be reviewed every 12 months
2. That pursuant to section 91(9)(c) of the Local Government Act 1999, the Authority delegates to the Executive Officer the power revoke, in whole or in part, the order made in paragraph 1 of this resolution at any time.

Carried

10. REPORTS FOR INFORMATION

10.1 EXECUTIVE OFFICER REPORT

BM20066 Moved: Alistair Christie
Seconded: Elizabeth Williams

The Board notes the report

Carried

10.2 WE CARE – WE SHARE CULTURAL DEVELOPMENT PROGRAM

BM20067 Moved: Michael Scott
Seconded: Peter Denholm

The Board receives the report

Carried

11. OTHER MATTERS

12 NEXT MEETING: 23 SEPTEMBER 2020, FRWA Office or Kangaroo Island.

Meeting closed 12:24pm

Date approved:

Michael Kelledy

Independent Chairperson - Fleurieu Regional Waste Authority