

Date & Time: Friday 26 March 2021
Location: Alexandrina Council Office – Large Meeting Room

Meeting Commenced: 9.41am

1. Present

Steve Mathewson	Chairperson
Mark Easton	Independent Member (via Webex)
Trish Kirkland	Independent Member
Councillor Margaret Gardner	Alexandrina Council
Councillor David Kemp	City of Victor Harbor

In Attendance

Lauren McKee	Executive Officer, FRACA
James Lomax	Regional Development Manager, YMCA
Danielle Leckie	Administration Officer, Alexandrina Council

2. Apologies

Peter Charles	Deputy Member - City of Victor Harbor
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3. Conflict of Interest

Nil

4. Minutes of Previous Meeting

4.1 Board Minutes for Confirmation – 29 January 2021

Motion: FRACA00372
Moved: David Kemp
Seconded: Mark Easton

The Authority adopts the minutes of the meeting held 29 January 2021 as reviewed on 26 March 2021.

CARRIED

5. Business Arising

5.1 Board Annual Work Plan

Motion: FRACA00373
Moved: David Kemp
Seconded: Trish Kirkland

The Authority Board adopts the Annual Work Plan 2021 as reviewed on 26 March 2021.

CARRIED

6. Reports

6.1 Audit & Risk Management Committee Independent Chairperson Recruitment

Motion: FRACA00374
Moved: Margaret Gardner
Seconded: David Kemp

The Authority Board:

- *Notes that Mr Ian Swan's term as Independent Chairperson of the Audit & Risk Management Committee concludes on 21 September 2021.*
- *Requests that the Executive Officer undertake a competitive recruitment process in accordance with the Authority Charter.*
- *Appoints Trish Kirkland as the Chairperson of the recruitment panel and Lauren McKee as a member of the recruitment panel.*
- *Requests that the Executive Officer arrange for Kellie Knight-Stacy or Elizabeth Williams to join the recruitment panel as the third and final member.*
- *Notes that David Kemp will join the recruitment panel if an alternative third member is required.*
- *Requests the Chairperson write to Mr Swan to:*
 - *Advise him of the requirement to run a competitive recruitment process after four consecutive years as Chairperson of the Audit and Risk Management Committee in accordance with the Terms of Reference.*
 - *Provide him with an anticipated timetable of the recruitment process.*
 - *Thank him for his positive contribution as the inaugural Chairperson of FRACA's Audit & Risk Management Committee.*

CARRIED

7. Confidential Reports

7.1 Unconfirmed Audit & Risk Management Committee Confidential Minutes – 12 March 2021

Motion: FRACA00375
Moved: Margaret Gardner
Seconded: Trish Kirkland

Pursuant to section 90(2) of the Local Government Act 1999, the Authority Board orders that all members of the public be excluded, with the exception of James Lomax, the Executive Officer and the minute taker, on the basis that it will receive and consider item: 7.1 Unconfirmed Audit & Risk Management Committee Confidential Minutes – 12 March 2021.

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

Commercial information of a confidential nature (not being a trade secret) the disclosure of which –

(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.

Accordingly, the Board is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED

Motion: FRACA00376

Moved: Margaret Gardner

Seconded: Mark Easton

The Authority Board notes the Unconfirmed Audit & Risk Management Committee Confidential Minutes – 12 March 2021.

CARRIED

7.2 Executive Officer Budget Presentation

Motion: FRACA00377

Moved: Trish Kirkland

Seconded: Margaret Gardner

Pursuant to section 90(2) of the Local Government Act 1999, the Authority Board orders that all members of the public be excluded, with the exception of James Lomax, the Executive Officer and the minute taker, on the basis that it will received and consider item: 7.2 Executive Officer Budget Presentation.

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

Commercial information of a confidential nature (not being a trade secret) the disclosure of which –

(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.

Accordingly, the Board is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED

David Kemp left meeting 11.43, returned 12.07

Motion: FRACA00378
Moved: Trish Kirkland
Seconded: David Kemp

The Authority Board, in accordance with the powers and functions set out at 2.1.10 of the Board Charter, adopts the fee structure for use at the Fleurieu Aquatic Centre for the 2021-2022 financial year as contained in Attachment 7.2a.

CARRIED

Motion: FRACA00379
Moved: David Kemp
Seconded: Trish Kirkland

The Authority Board releases the resolutions pertaining to item 7.2 from confidence and requests the Executive Officer prepare the appropriate budget documents for submission to Constituent Councils.

CARRIED

7.3 Competitive Neutrality Review

Motion: FRACA00380
Moved: Trish Kirkland
Seconded: Margaret Gardner

Pursuant to section 90(2) of the Local Government Act 1999, the Authority Board orders that all members of the public be excluded, with the exception of James Lomax, the Executive Officer and the minute taker, on the basis that it will received and consider item: 7.3 Competitive Neutrality Review.

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

Commercial information of a confidential nature (not being a trade secret) the disclosure of which –

(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.

Accordingly, the Board is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED

Item adjourned.

7.4 Annual Budget 2021-2022

Motion: FRACA00381
Moved: David Kemp
Seconded: Margaret Gardner

Pursuant to section 90(2) of the Local Government Act 1999, the Authority Board orders that all members of the public be excluded, with the exception of James Lomax, the Executive Officer and the minute taker, on the basis that it will received and consider item: 7.4 Annual Budget 2021-2022.

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

Commercial information of a confidential nature (not being a trade secret) the disclosure of which –

- (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.*

Accordingly, the Board is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED

Mark Easton left meeting 12.39
Margaret Gardner left meeting 12.40

Motion: FRACA00382
Moved: Trish Kirkland
Seconded: David Kemp

The Authority Board note the Business and Marketing Plan 2021-22 (Attachment 7.4b), FAC Maintenance Plan 2021-2022 (Attachment 7.4c), Annual Operating Budget (Attachment 7.4a), and Annual Capital Budget (Attachment 7.4d) and recommend to the City of Victor Harbor and Alexandrina Council adopt the:

- a. Annual Operating Budget 2021-2022 contained at 7.4a*
- b. Annual Capital Budget 2021-2022 contained at Attachment 7.4d amended to include:*
 - Water Wheelchair for \$2,175*
 - Lifeguard Chair for \$3,689*
 - Body Scanner for \$11,758*

CARRIED

Motion: FRACA00383
Moved: Trish Kirkland
Seconded: David Kemp

The Authority Board:

- *releases the resolution pertaining to agenda item 7.4 from confidence,*
- *requests the Executive Officer prepare the draft Budget in the format required under the Act and associated regulations, and that this be a public document for consideration by Constituent Councils, and*
- *requests the Executive Officer provide a fee schedule for Constituent Councils in conjunction with the budget submission and that this be a public document.*

CARRIED

7.5 Mediation

Motion: FRACA00384
Moved: Trish Kirkland
Seconded: David Kemp

Pursuant to section 90(2) of the Local Government Act 1999, the Authority Board orders that all members of the public be excluded, with the exception of James Lomax, the Executive Officer and the minute taker, on the basis that it will received and consider item: 7.5 Mediation.

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

Commercial information of a confidential nature (not being a trade secret) the disclosure of which –

- (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.*

Accordingly, the Board is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED

Motion: FRACA00385
Moved: Trish Kirkland
Seconded: David Kemp

The Authority Board note the outcome of the mediation session and report provided and request the Executive Officer place the item on the agenda of the next meeting.

CARRIED

8. **Other Business**
Nil
9. **Next Meeting**
Friday, 23 April 2021
10. **Meeting Closed**
13.08

It should be noted that in accordance with the legal advice received by the Authority dated 26 August 2020, all reports, minutes, attachments and associated documents from items deliberated by the Authority in confidence, will automatically remain in confidence in perpetuity, unless a resolution of the Board is made to release such items. Items may also be removed from confidence under delegation. At the conclusion of each agenda item that is considered by the Authority in confidence, the default position is for the return to open / public meeting, until such time as a further resolution is made to return to confidential meeting procedures.