

CITY OF WEST TORRENS



MINUTES
of the
Special Council Meeting

of the
CITY OF WEST TORRENS

held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 31 MARCH 2020
at 6.00pm

Angelo Catinari
Chief Executive Officer (Acting)

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1 MEETING OPENED

The Presiding Member declared the meeting open at 6.06pm.

1.1 Evacuation Procedure

The evacuation procedures were taken as read.

2 PRESENT**Council Members:**

Mayor M Coxon (Presiding Member)

Councillors: J Woodward, E Papanikolaou, D Huggett, K McKay, D Mugavin, G Nitschke, S Pal, S Tsiaparis, G Vlahos, C O'Rielley, D Wilton, J Wood, A McKay, B Reynolds

Officers:

Mr A Catinari (Chief Executive Officer - Acting)

Mr B Ross (General Manager Corporate and Regulatory)

3 APOLOGIES**Officers:**

Mr T Buss (Chief Executive Officer)

Ms P Koritsa (General Manager Business and Community Services)

4 DISCLOSURE STATEMENTS

Nil

Prior to Item 5 - Reports of the Chief Executive Officer, Mayor Coxon provided Members with a briefing on Covid-19 which included advising that the Minister for Transport, Infrastructure and Local Government varied the *Local Government Act 1999* to enable council members to participate in council meetings by electronic means. The Electronic Participation in Council Meetings Notice (No 1) 2020 is the first Notice made by the Minister in exercise of his new emergency power under section 302B of the Local Government Act 1999. Accordingly, Mayor Coxon advised Members that in view of this development, the CWT Elected Member Emergency Working Group will be suspended forthwith.

A link to further details regarding the Notice is provided below for Members' information:
<https://www.lga.sa.gov.au/page.aspx?c=87585>

Mayor Coxon also wished to acknowledge and thank all staff for their contribution and efforts in managing the affairs of the City and Council during the Covid-19 Public Health Emergency.

5 REPORTS OF THE CHIEF EXECUTIVE OFFICER

5.1 Interim Covid-19 Support Measures for West Torrens' Residents and its Sporting, Arts and Business Community

This report proposed a number of interim measures to support those in the community adversely impacted by the Covid-19 pandemic.

RECOMMENDATION(S)

It is recommended to Council that the following support measures be introduced in response to the Covid-19 pandemic:

1. Fees, charges and outgoings associated with the leasing of Council buildings by sporting, arts and community organisations be waived for the 6 month period commencing 1 March 2020.
2. Quarterly fines and monthly interest penalties on overdue rates not be imposed for a 6 month period commencing 1 April 2020.
3. Debt recovery action on unpaid rates be suspended for 6 months commencing 1 April 2020.
4. Final notices for outstanding rates be modified to be in the form of a reminder notice only, with references to legal action removed.
5. Action not be taken to sell any properties in the area for non-payment of rates under Section 184 of the Local Government Act 1999.
6. A review be undertaken of Council's *Rate Rebates, Remission and Postponement Policy*, especially provisions involving hardship, in order to ensure a robust, efficient and effective process is in place to manage ratepayer applications for Council support.
7. Inspection fees and charges associated with food businesses be suspended for the 6 month period commencing 1 April 2020.
8. Parking permit fees for residents and businesses of the Council area be suspended for the 6 month period commencing 1 April 2020.
9. Information be circulated widely throughout the community to advise of the support Council is providing.

MOTION

Moved: Cr George Vlahos

Seconded: Cr David Wilton

That the recommendation be adopted.

The Mayor, with approval of two-thirds of the members present, temporarily suspended the meeting proceedings in accordance with Division 2 (Prescribed Procedures) of Council's Code of Practice for Procedures at Meetings, for a period sufficient to allow informal discussion in relation to interim Coronavirus (Covid-19) support measures for West Torrens' residents and its sporting, arts and business community.

6.11pm Short term suspension of proceedings commenced.

The Mayor, with approval of two-thirds of the members present, ended the period of short-term suspension of proceedings.

6.43pm Short term suspension of proceedings ended.

6.44pm Cr Jassmine Wood left the meeting.

Discussion took place in relation to the motion moved by Cr George Vlahos and seconded by Cr David Wilton specifically regarding the 4th Quarter Rates Notices and the business community support measures to be introduced in response to the Covid-19 pandemic.

RESOLUTION

Moved: Cr George Vlahos
Seconded: Cr David Wilton

That the recommendation be adopted.

CARRIED

6 CONFIDENTIAL

6.1 Interim Covid-19 Support Measures for Commercial Leases and Licences

Reason for Confidentiality

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

- (g) 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, any duty of confidence, or other legal obligation or duty.

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 6.1 - Interim Covid-19 Support Measures for Commercial Leases and Licences, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(g) because the matter must be considered in confidence in order to ensure that Council does not breach any duty of confidence owed to the Commercial lessees and licensees.
2. At the completion of the confidential session the meeting be re-opened to the public.

RESOLUTION

Moved: Cr Simon Tsiaparis
Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

6.44pm the meeting moved into Confidence and the confidential session commenced.

6.45pm Cr Jassmine Wood returned to the meeting.

Council resolved as follows in terms of this Confidential item:

That support be provided to commercial lessees and licensees in response to the Covid-19 pandemic as follows:

1. In line with the requirements of the Australian Government, any recovery action including that underway for those lessees experiencing financial hardship be postponed for a period of 6 months, to 30 September 2020. In addition:
 - a. Fees and charges associated with the commercial leasing of Council land and buildings be deferred without interest penalty for up to 6 months commencing 1 April 2020.
 - b. All lessees be advised of Council's preparedness to consider waiving the deferred fees and charges, including penalty interest, on financial hardship grounds; and
 - e. The Chief Executive Officer being delegated authority to make the necessary amendments or variations to contractual arrangements as required.

Council also resolved that:

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 6.1 - Interim Covid-19 Support Measures for Commercial Leases and Licences, the Council Resolution 1(c) and 1(d) of the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(g), be kept confidential and not available for public inspection for a period of 6 months from the date of this meeting, on the basis that the matter must be considered in confidence in order to ensure that Council does not breach any duty of confidence owed to the Commercial lessees and licensees.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

6.50pm the Confidential session closed and the meeting reopened to the public.

Note: The Confidential Minutes are kept separately from this document.

5 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.51pm.