



**MINUTES OF SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, 34
CHURCH STREET, SALISBURY ON**

13 JUNE 2023

MEMBERS PRESENT

Cr B Brug
Cr L Brug
Deputy Mayor, Cr C Buchanan
Cr J Chewparsad
Cr K Grenfell
Cr D Hood
Cr P Jensen
Cr S McKell
Cr S Ouk
Cr S Reardon

STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
A/General Manager City Infrastructure, Mr J Collins
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco
Team Leader Council Governance, Ms J O'Keefe-Craig

The meeting commenced at 6:35pm.

OPENING PRAYER AND WELCOME

The Deputy Mayor, Cr C Buchanan welcomed the members, public and staff to the meeting.

The Deputy Mayor, Cr C Buchanan read the Kaurna Acknowledgement.

The Chief Executive Officer read the Opening Prayer.

APOLOGIES

Apologies were received from Mayor G Aldridge, Cr A Graham and Cr M Mazzeo.

LEAVE OF ABSENCE

Nil.

ABSENT

Cr G Bawden and Cr S Burner.

ORDER TO EXCLUDE THE PUBLIC

C1 Absenteeism Cr Severina Burner

Moved Cr K Grenfell
Seconded Cr B Brug

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

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

2. In weighing up the factors related to disclosure,

- disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations

- Personal Affairs of the person would be implicated

On that basis the public's interest is best served by not disclosing the **Absenteeism Cr Severina Burner** item and discussion at this point in time.

3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, Chief Executive Officer, Manager Governance, A/General Manager City Infrastructure, General Manager City Development, General Manager Community Development, General Manager Business Excellence and Team Leader Council Governance be excluded from attendance at the meeting for this Agenda Item.

CARRIED
0360/2023

C2 Absenteeism Cr Grace Bawden

Moved Cr K Grenfell
Seconded Cr S Ouk

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
 - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
 - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
 - *Personal Affairs of the person would be implicated*

*On that basis the public's interest is best served by not disclosing the **Absenteeism Cr Grace Bawden** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, Chief Executive Officer, Manager Governance, A/General Manager City Infrastructure, General Manager City Development, General Manager Community Development, General Manager Business Excellence and Team Leader Council Governance be excluded from attendance at the meeting for this Agenda Item.*

CARRIED
0361/2023

The meeting moved into confidence at 6:37pm.

The decisions for Item C1 Absenteeism Cr Severina Burner and Item C2 Absenteeism Cr Grace Bawden were released out of confidence.

GENERAL BUSINESS

Pursuant to section 74 of the Local Government Act 1999, Cr K Grenfell declared a general conflict of interest in relation to this matter on the basis of her involvement in the complaint process. Cr K Grenfell stated that she will deal with the conflict in a transparent and accountable way by remaining in the meeting and will not participate in the debate and will vote in the best interest of the community.

Pursuant to section 74 of the Local Government Act 1999, Cr B Brug declared a general conflict of interest in relation to this matter on the basis of his involvement in the complaint process. Cr B Brug stated that he will deal with the conflict in a transparent and accountable way by remaining in the meeting and will not participate in the debate and will vote in the best interest of the community.

Pursuant to section 74 of the Local Government Act 1999, Cr S McKell declared a general conflict of interest in relation to this matter on the basis of her involvement in the complaint process. Cr S McKell stated that she will deal with the conflict in a transparent and accountable way by remaining in the meeting and will not participate in the debate and will vote in the best interest of the community.

Pursuant to section 74 of the Local Government Act 1999, Cr L Brug declared a general conflict of interest in relation to this matter on the basis of her involvement in the complaint process. Cr L Brug stated that she will deal with the conflict in a transparent and accountable way by remaining in the meeting and will not participate in the debate and will vote in the best interest of the community.

C1 Absenteeism Cr Severina Burner

Moved Cr K Grenfell
Seconded Cr B Brug

That Council:

1. Having considered the report and all attachments to that report for Item C1, titled Absenteeism Cr Burner, 13 June 2023 Special Meeting of the Council:
 - 1.1 Notes that Cr Severina Burner has been absent from three (3) consecutive ordinary Council meetings, namely 27 March 2023, 24 April 2023 and 22 May 2023, without leave of the Council.
 - 1.2 Notes the submissions received from Cr Severina Burner on 9 June 2023 set out in the letter from Robert Balzola & Associates dated 9 June 2023 [Attachment 6, Item no C1, Special Council, 13 June 2023]
 - 1.3 Exercises its power under section 54(1)(d) of the *Local Government Act 1999* to remove Cr Severina Burner from office as a member of the Council with immediate effect, on the ground that Cr Severina Burner has been absent for three (3) consecutive ordinary Council meetings (namely 27

March 2023, 24 April 2023 and 22 May 2023) without the leave of the Council.

- 1.4 Requests the Mayor and the Chief Executive Officer to notify the Electoral Commission of South Australia of this resolution.
 - 1.5 Requests the Mayor and the Chief Executive Officer to notify the Minister for Local Government of this resolution.
 - 1.6 Requests the Mayor to notify Ms Severina Burner of this resolution and requests the Chief Executive Officer to organise for all Council owned assets issued to Ms Severina Burner to assist her in performing or discharging her official functions and duties as a member of the Council be returned to Council.
2. Orders that, pursuant to Section 91(7) of the *Local Government Act 1999*, paragraphs 3.14, 3.15 (and the associated paragraph heading) 3.25 and 3.26 of the report for item C1, titled Absenteeism Cr Severina Burner, 13 June 2023 Special Meeting of the Council, Attachment 4 to the aforementioned report, paragraphs numbered 13 up to and including 16, and paragraph 21 of the submissions of Cr Severina Burner set out in the letter from Robert Balzola & Associates dated 9 June 2023 at Attachment 6 for this item C1 will remain confidential and not available for public inspection until 30 June 2026 on the grounds that the identified parts of the report and attachments contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (living or dead).
 3. Delegates, pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the power under Section 91(7)(a)&(b) of the *Local Government Act 1999* to revoke the order set out in paragraph 2 of this resolution in full or in part at any time to the Chief Executive Officer.

CARRIED
Unanimously
0362/2023

Pursuant to section 74 of the Local Government Act 1999, Cr P Jensen declared a general conflict of interest in relation to this matter on the basis of his involvement in the complaint process. Cr P Jensen stated that he will deal with the conflict in a transparent and accountable way by remaining in the meeting and will not participate in the debate and will vote in the best interest of the community.

Pursuant to section 74 of the Local Government Act 1999, Cr L Brug declared a general conflict of interest in relation to this matter on the basis of her involvement in the complaint process. Cr L Brug stated that she will deal with the conflict in a transparent and accountable way by remaining in the meeting and will not participate in the debate and will vote in the best interest of the community.

Pursuant to section 74 of the Local Government Act 1999, Cr B Brug declared a general conflict of interest in relation to this matter on the basis of his involvement in the complaint process. Cr B Brug stated that he will deal with the conflict in a transparent and accountable way by remaining in the meeting and will not participate in the debate and will vote in the best interest of the community.

Pursuant to section 74 of the Local Government Act 1999, Cr K Grenfell declared a general conflict of interest in relation to this matter on the basis of her involvement in the complaint process. Cr K Grenfell stated that she will deal with the conflict in a transparent and accountable way by remaining in the meeting and will not participate in the debate and will vote in the best interest of the community.

C2 Absenteeism Cr Grace Bawden

Moved Cr K Grenfell
Seconded Cr B Brug

That Council:

1. Having considered the report and all attachments to that report for Item C2, titled Absenteeism Cr Grace Bawden, 13 June 2023 Special Meeting of the Council:
 - 1.1 Notes that Cr Grace Bawden has been absent from three (3) consecutive ordinary Council meetings, namely 27 March 2023, 24 April 2023 and 22 May 2023, without leave of the Council.
 - 1.2 Notes the submissions received from Cr Grace Bawden on 9 June 2023 [Attachment 6, Item no C2, Special Council, 13 June 2023]
 - 1.3 Exercises its power under section 54(1)(d) of the *Local Government Act 1999* to remove Cr Grace Bawden from office as a member of the Council with immediate effect, on the grounds that Cr Grace Bawden has been absent for three (3) consecutive ordinary Council meetings (namely 27 March 2023, 24 April 2023 and 22 May 2023) without the leave of the Council.
 - 1.4 Requests the Mayor and the Chief Executive Officer to notify the Electoral Commission of South Australia of this

resolution.

- 1.5 Requests the Mayor and the Chief Executive Officer to notify the Minister for Local Government of this resolution.
- 1.6 Requests the Mayor to notify Ms Grace Bawden of this resolution and requests the Chief Executive Officer to organise for all Council owned assets issued to Ms Grace Bawden to assist her in performing or discharging her official functions and duties as a member of the Council be returned to Council.
2. Orders that, pursuant to Section 91(7) of the *Local Government Act 1999*, paragraphs 3.10, 3.11 and 3.12 and the associated paragraph heading, and paragraphs 3.19 and 3.27 of the report for item C2, titled Absenteeism Cr Grace Bawden, 13 June 2023 Special Council meeting, Attachments 3 and 4 to the aforementioned report and paragraphs numbered 6, 8, 10, 13 up to and including 16 of the submissions of Cr Grace Bawden set out in the letter from Robert Balzola & Associates dated 9 June 2023 at Attachment 6 will remain confidential and not available for public inspection until 30 June 2026 on the grounds that the identified parts of the report and attachments contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person (living or dead).
3. Delegates, pursuant to Section 91(9)(c) of the *Local Government Act 1999*, the power under Section 91(7)(a)&(b) of the *Local Government Act 1999* to revoke the order set out in paragraph 2 of this resolution in full or in part at any time to the Chief Executive Officer.

CARRIED
Unanimously
0363/2023

The meeting moved out of confidence at 6:45pm.

The meeting closed at 6:45pm.

CHAIRMAN.....

DATE.....