

## MINUTES OF THE SPECIAL BOARD MEETING OF THE EASTERN WASTE MANAGEMENT AUTHORITY

Held on Monday 3 September at 8:32am, at the Mayor's Parlour, City of Norwood, Payneham & St Peters, 175 The Parade, Norwood

### 1. PRESENT

#### Directors:

Cr L Green	Adelaide Hills Council
Cr G Piggott	City of Burnside
Mr P Di Iulio	Campbelltown City Council
Cr K Hockley	City of Mitcham
Mr M Barone	City of Norwood, Payneham & St Peters
Ms C Hart	City of Prospect

#### In Attendance:

Mr R Gregory	General Manager
Mr S Raymond	Manager, Corporate Services
Ms K Vandermoer	Finance and Executive Administration Officer
Mr F Bell	Thomson Geer

### 2. APOLOGIES

Mr B Cunningham	Independent Chairperson
Cr G Busato	Corporation of the Town of Walkerville

### 3. CONFLICTS OF INTEREST

NIL

### 4. CONFIRMATION OF THE MINUTES

Moved Cr Hockley that the Minutes of Special Eastern Waste Management Authority Board Meeting held on Friday 17 August 2018, be received, confirmed and adopted.  
Seconded Mr Barone

Carried

### 5. MATTERS ARISING FROM THE MINUTES

NIL

### 6. QUESTIONS WITHOUT NOTICE

NIL

### 7. REPORTS

NIL

### 8. CONFIDENTIAL REPORTS

#### 8.1 RECYCLING CONTRACT

### **RECOMMENDATION 1**

Moved Cr Hockley that pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the East Waste Board orders that the public, with the exception of the East Waste staff present, be excluded from the meeting on the basis that the East Waste Board will receive, discuss and consider:

- (b) information the disclosure of which –
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom East Waste is conducting, or proposing to conduct, business, or to prejudice the commercial position of East Waste; and
  - (ii) would, on balance, be contrary to the public interest;

and the East Waste 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 receipt/discussion/ consideration of the information confidential.

Seconded Cr Piggott

**Carried**

***Ms Hart entered the meeting at 8:46am.***

### **RECOMMENDATION 2**

Moved Cr Hockley that the Board:

1. On the balance of information received to date from SKM Recycling and independent legal advice, is satisfied SKM Recycling have indicated a breach of contract and as such instruct the General Manager to write to SKM Recycling advising that East Waste will be terminating the Agreement effective 1 October 2018, on the basis SKM Recycling is in breach of Clause 11.1 (substantial default) as a result of not being able to pay an ongoing rebate.
2. Instruct the General Manager to undertake an open Request for Tender for the longer-term Receipt and Processing of Recyclables.
3. If required, for the duration of facilitating a Request for Tender process, approves the General Manager utilising the Exemptions Provisions in the East Waste Procurement Policy, to enter into a short-term arrangement for the Receipt and Processing of Recyclables.

Seconded Mr Barone

**Carried**

### **RECOMMENDATION 3**

Moved Mr Barone that under Section 91(7) and (9) of the Local Government Act 1999 the East Waste Board orders that the report, attachment(s), and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed by the East Waste Board.

Seconded Cr Green

**Carried**

## 8.2 REVIEW OF CONFIDENTIAL ORDERS

### RECOMMENDATION 1

Moved Mr Barone that pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the East Waste Board orders that the public, with the exception of the East Waste staff present, be excluded from the meeting on the basis that the East Waste Board will receive, discuss and consider:

(b) information the disclosure of which –

- (i) could reasonably be expected to confer a commercial advantage on a person with whom East Waste is conducting, or proposing to conduct, business, or to prejudice the commercial position of East Waste; and
- (ii) would, on balance, be contrary to the public interest;

and the East Waste 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 receipt/discussion/ consideration of the information confidential.

Seconded Cr Piggott

**Carried**

### RECOMMENDATION 2

Moved Mr Barone that the Board orders in accordance with section 91(7) of the *Local Government Act 1999*, that the existing confidentiality order on the minutes to the original report of 8.5 – RECYCLING CONTRACT REVIEW ITEM from the 17/08/2018 Board meeting be released; however, the report, attachments and discussion remain confidential due to the associated commercial sensitivities.

Seconded Cr Green

**Carried**

## 9. OTHER BUSINESS

NIL

## 10. NEXT MEETING OF THE BOARD

The next Board Meeting is scheduled to be held on Thursday 20 September 2018 commencing 5:30pm at the City of Norwood, Payneham & St Peters, 175 The Parade, Norwood

## 11. CLOSURE OF MEETING

There being no further business the meeting closed at 9:18am.

DATE: 13/12/18

CHAIRPERSON: 