

**MINUTES OF CITY OF MOUNT GAMBIER
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON WEDNESDAY, 1 JULY 2020 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN

ATTENDANCE:	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Manager Finance and Customer Service	- Mr J Zwijnenburg
	Communications Officer	- Mrs A Watson
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Mrs M Telford

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 NEW CONFIDENTIAL ITEMS

4.1 COMMUNITY AND RECREATION HUB PROCUREMENT – REPORT NO. AR20/39192

RESOLUTION 2020/255

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR20/39192 Community and Recreation Hub Procurement.



The Council is satisfied that, pursuant to section 90(3) (b) and (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because specifically, the present matter relates to the tender for the Community and Recreation Hub.

The disclosure of this information could reasonably be expected to be commercially advantageous to the tenderer because that party is in commercial negotiations with the Council and would adjust their bargaining position based on the positions of the Council disclosed in the information and the disclosure of this information could reasonably be expected to prejudice the commercial position of the Council on the same basis and receipt, consideration or discussion of the information or matter in a meeting open to the public would, on balance, be contrary to the public interest because to discuss the matter publicly would seriously compromise the Council's ability to achieve optimum value for money for its residents, as the Council's business stance in relation to the matter would inappropriately become known to other involved parties.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

RESOLUTION 2020/256

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR20/39192 Community and Recreation Hub Procurement and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (k) be kept confidential and not available for public inspection until further order and will be reviewed at least annually in accordance with the *Local Government Act 1999*.

Specifically, the present matter relates to the tender for the Community and Recreation Hub.



Notwithstanding this order the Council authorises the Chief Executive Officer to disclose to the preferred tenderer that they are the preferred tenderer.

Pursuant to the Chief Executive Officers delegated power under Section 91(9)(c) of the Act to review or revoke this order, the Chief Executive Officer must advise the Council of any such revocation of this order as soon as possible after such revocation has occurred.

2. Further that Council delegates the power to review, revoke, but extend of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

5 MEETING CLOSE

The Meeting closed at 6.36 p.m.

The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 21 July 2020.

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PRESIDING MEMBER

