



City of
Mount Gambier

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I hereby give notice that a Special Meeting of Council will be held on:

Date: Wednesday, 1 July 2020
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Special Council Meeting 1 July 2020

Andrew Meddle
Chief Executive Officer

30 June 2020

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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

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, J Nagy, N Serle, M McCarthy, A Watson 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.

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*.

5 MEETING CLOSE



COMMITTEE MINUTES

AND

REPORTS / ATTACHMENTS