

**MINUTES OF CONFIDENTIAL SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON WEDNESDAY, 1 JULY 2020 AT 6.02 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Mezinec, 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

4 NEW CONFIDENTIAL ITEMS

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

RESOLUTION 2020/257

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 Mezinec, 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 2020/258

Moved: Mayor Lynette Martin

Seconded: Cr Ben Hood

1. That Council Report No. AR20/39192 titled 'Community and Recreation Hub Procurement' as presented on 01 July 2020 including Attachments 1, 2, 3 and 4 be noted.
2. That Council endorse not proceeding with Separable Portion 4 (Tennis works) at this time and that the Chief Executive Officer advise Tennis SA, in writing, of the Council's decision.
3. That having regard to the matters set out in Council Report No. AR20/39192 titled 'Community and Recreation Hub Procurement' as presented on 01 July 2020 including Attachments 1, 2, 3 and 4 the Council endorse Badge Constructions (SA) Pty Ltd as the preferred tenderer for the Community and Recreation Hub project.
4. That:
 - (a) the Council authorise the Chief Executive Officer to negotiate terms and conditions of a construction contract for the Community and Recreation Hub Project with Badge Constructions (SA) Pty Ltd; and
 - (b) in accordance with the power set out in Section 44 of the Local Government Act 1999 the Council delegates the powers in Section 36(1)(a)(i) and 37(b) of the Local Government Act 1999 to enter into a construction contract as the Council's delegate with Badge Constructions (SA) Pty Ltd for the Community and Recreation Hub Project up to a maximum value of \$57,529,536.

Cr Kate Amoroso called a division.

The declaration was set aside.

Voting by division being:

<u>In Favour:</u> Crs Sonya Meziniec, Max Bruins, Christian Greco, Ben Hood, Frank Morello and Steven Perryman	
<u>Against:</u> Crs Kate Amoroso and Paul Jenner	
Mayor Martin declared the motion	CARRIED 6/2
	CARRIED

RESOLUTION 2020/259
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 <i>Local Government Act 1999</i> 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 <i>Local Government Act 1999</i> .
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 <i>Local Government Act 1999</i> .
CARRIED

Meeting closed at 6.36 p.m.

