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

Date: Tuesday, 3 March 2020
Time: 6.15 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

**Special Council Meeting
3 March 2020**

A handwritten signature in black ink, appearing to read "A Meddle", written in a cursive style.

**Andrew Meddle
Chief Executive Officer**

3 March 2020

4.2 ITEM 4 - COMMUNITY AND RECREATION HUB - REQUEST FOR VERBAL UPDATE - SEVERAL MATTERS – REPORT NO. AR20/14687

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, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officer M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.2 AR20/14687 Item 4 - Community and Recreation Hub - Request for Verbal Update - Several Matters.

The Council is satisfied that, pursuant to section 90(3) (b) and (g) 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
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

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 the matters to be discussed includes information subject to existing order of confidentiality made by Council the disclosure of which would be a breach of Council's own confidence.

Further, matters to be raised include procurements which are the subject of tender processes that are yet to be completed. The premature disclosure of information associated with such procurements could reasonably be expected to prejudice the commercial position of the Council.

The public interest in the disclosure of such information is considered to be outweighed by the public benefit of achieving a beneficial outcomes from the procurement processes.

4.2 ITEM 4 - COMMUNITY AND RECREATION HUB - REQUEST FOR VERBAL UPDATE - SEVERAL MATTERS – REPORT NO. AR20/14687

Committee:	Council
Meeting Date:	3 March 2020
Report No.:	AR20/14687
CM9 Reference:	AF13/64
Author:	Paul Jenner, Councillor
Authoriser:	
Summary:	Special Meeting called by 3 Elected Members
Community Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b) 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
- (g) information concerning matters that must be considered in confidence in order to ensure that the Council does not: breach any law, order or direction of a court or tribunal constituted by law, breach any duty of confidence, or breach any other legal obligation or duty.

REPORT RECOMMENDATION

1. That Council Report No. AR20/14687 titled 'Item 4 - Community and Recreation Hub - Request for Verbal Update - Several Matters' as presented on 03 March 2020 be noted.
2. The CEO provide a comprehensive verbal update on the following matters:
 - (a) ABC South East SA Facebook post of 26th February 2020 regarding early closure of the existing 50 metre outdoor swimming pool:
 - (i) Is the CEO or Mayor aware of the source of the information contained in this post?
 - (ii) Did this Facebook post result from a media release issued by council in the days prior to 26th February 2020?
 - (iii) Did ABC South East contact the CEO or any council staff or Mayor regarding this article?
 - (b) The Border Watch article(s) 28th February 2020 regarding the early closure of the existing outdoor 50 metre swimming pool:
 - (iv) Is the CEO or Mayor aware of the source of the information contained in this article(s)?
 - (v) Did this article(s) result from a media release issued by council in the days prior to 26th February 2020?

- (vi) Did The Border Watch contact the CEO or any council staff or Mayor regarding this article?
- (c) What is the status of the tender process for the relining of the existing 50 metre outdoor swimming pool?
- (d) Regional Sport and Recreation Centre project costings:
 - (I) Why the \$1.7 million estimated cost to refurbish the existing 50 metre outdoor pool was not included in REPORT NO. AR19/56846 – SUMMARY OF COSTING VARIATIONS considered by RSRC Committee on 12th November 2019 and subsequently by Council 19th November 2019.
 - (II) The table of figures contained in REPORT NO. AR19/56846 – SUMMARY OF COSTING VARIATIONS mentions \$720,000 but did not appear to deduct the \$125,000 originally allocated for a staged project. Was the \$125,000 deducted during the preparation of documents of the tender and if so, what was the Quantity Surveyor allowance for this element?
 - (III) What documentation exists regarding the additional \$363,000 for 'Storm Water EPA Requirements', how and when Council was made aware of this item being omitted from previous costing work.
- (e) Status of recruitment and/or appointment of the Site Superintendent for the Regional Sport and Recreation Centre project as it has been publicly reported in the media that the start of the project is imminent.

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ATTACHMENTS

Nil

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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 4.2 AR20/14687 Item 4 - Community and Recreation Hub - Request for Verbal Update - Several Matters 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 (g) be kept confidential and not available for public inspection until 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension 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*.

CONFIDENTIAL

**MINUTES OF CONFIDENTIAL SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 3 MARCH 2020 AT 6.15 P.M.**

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

COUNCIL OFFICERS: Chief Executive Officer - Mr A Meddle
Manager Executive Administration - Mr M McCarthy
Communications Officer - Mrs A Watson

**4.2 ITEM 4 - COMMUNITY AND RECREATION HUB - REQUEST FOR VERBAL UPDATE
- SEVERAL MATTERS – REPORT NO. AR20/14687**

RESOLUTION 2020/77

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

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The public interest in the disclosure of such information is considered to be outweighed by the public benefit of achieving a beneficial outcomes from the procurement processes.

CARRIED

RESOLUTION 2020/78

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

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CARRIED

