

MINUTES OF THE SPECIAL MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON FRIDAY 2<sup>ND</sup> DECEMBER 2016 AT 12.00 P.M.

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PRESENT Mayor Andrew Lee, Cr Josh Lynagh, Cr Frank Morello, Cr Steven Perryman, Cr Penny Richardson and Cr Ian Von Stanke

COUNCIL OFFICERS: Director – Operational Services - Mr D Sexton

APOLOGIES: Cr Perryman moved that the apologies from Cr Lovett, Cr Greco, Cr Meziniec, Cr Persello and Cr Mutton be received.

Cr Lynagh seconded

Carried

**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.**

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Morello disclosed an actual conflict of interest in Item 2: *“I manage the Sir Robert Helpmann Theatre through my employment with Country Arts SA, co-owner of the Civic Centre building. Country Arts SA is seeking to upgrade the flytower and share the cost of the project with Mount Gambier City Council.”*

Cr Morello dealt with the actual conflict of interest in the following transparent and following way: *“I intend to participate in the discussion to add insight, but will not vote.”*

In accordance with section 75A(2)(b) Cr Morello participated in the meeting in relation to the matter.

**1. CONSIDERATION FOR EXCLUSION OF PUBLIC**

Cr Von Stanke moved that the following items be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of Council Members: Mayor Andrew Lee, Cr Josh Lynagh, Cr Frank Morello, Cr Steven Perryman, Cr Penny Richardson, Cr Ian Von Stanke and Council Staff Member Daryl Sexton) be excluded from the meeting in order for the item ‘Contract - Design and Construction of Civic Centre Flytower Façade System - Ref. AF15/133’ to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

- S.90(3)(d) - commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest.
- S.90(3)(k) - tenders for the supply of goods, the provision of services or the carrying out of works.

The information contained in the item relates to the tender for the Design and Construction of the Civic Centre Flytower Façade System.

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 information to be considered contains tender pricing from contractors including for separate components of works and that the author has given to Council as being of a Commercial in Confidence nature.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
2.	<u>FINANCIAL MANAGEMENT</u> - Contract - Design and Construction of Civic Centre Flytower Façade System - Ref. AF15/133	(d) & (k)

Cr Perryman seconded

Carried