

Notice of Special Meeting of Council



MEMBERSHIP

Mayor Marijka Ryan

Cr Tammie Sinclair
Cr Bernie Keane
Cr Jessica Hawkvelt
Cr Lucas Jones
Cr Rob Unger
Cr Irena Zagladov

Cr Kristianne Foreman
Cr Sandy Keane
Cr Marina Champion
Cr Blake Lawrenson
Cr Kimberley Drozdoff
Cr Damian Wyld

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that a SPECIAL MEETING OF COUNCIL will be held in the Council Chambers, 571 Montague Road, Modbury on TUESDAY 31 OCTOBER 2023 commencing at 6.30pm

A copy of the Agenda for the above meeting is supplied.

Members of the community are welcome to attend the meeting or listen and observe minutes via [Council's website](#).

A handwritten signature in black ink, appearing to read "Ryan McMahon".

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 30 October 2023

CITY OF TEA TREE GULLY

SPECIAL MEETING OF COUNCIL 31 OCTOBER 2023

AGENDA

1. Opening Prayer and Welcome

Prayer - to be read by the Presiding Member

Acknowledgement of Country Statement - to be read out as arranged by the Presiding Member

2. Attendance Record:

- 2.1 Present
- 2.2 Apologies
- 2.3 Leave of Absence
- 2.4 Record of Officers in Attendance
- 2.5 Record of Number of Persons in the Public Gallery
- 2.6 Record of Media in attendance

3. Public Forum (*must be relating to an agenda item*)

Available to the public to address Council on policy, strategic matters or items that are currently before the Council. Total time 20 mins with maximum of 2 mins per speaker. For more information refer to Council's website www.teatreegully.sa.gov.au

4. Deputations (*must be relating to an agenda item*)

Requests from the public to address the meeting must be received in writing prior to the meeting and approved by the Mayor. For more information refer to Council's website www.teatreegully.sa.gov.au

5. Presentations (*must be relating to an agenda item*)

Requests to present to the meeting must be received in writing 5 days prior to the meeting and approved by the Mayor. For more information refer to Council's website www.teatreegully.sa.gov.au

6. Declarations of Conflicts of Interest

Members are invited to declare any material and/or general conflicts of interest in matters appearing before the Council.

7. Matters for Discussion

8. Notice(s) of Motion - Nil

9. Question(s) on Notice - Nil

10. Section 90(2) Local Government Act 1999 – Confidential Items

A record must be kept on the grounds that this decision is made.

10.1 CONFIDENTIAL - Waste Processing Contract - Tender Outcome..... 4

10.2 CONFIDENTIAL - Verge and Median Maintenance - Tender Outcome..... 6

11. Closure

City of Tea Tree Gully

SPECIAL MEETING OF COUNCIL

31 October 2023

Confidential Subject: Waste Processing Contract - Tender Outcome (D23/86895)

It is the recommendation of the Chief Executive Officer that the Waste Processing Contract - Tender Outcome be received, discussed and considered in confidence. The Special Meeting of Council should determine whether it is necessary and appropriate for the matter to be discussed in confidence as provided for by the provisions of Sections 90 and 91 of the *Local Government Act 1999* (with a recommendation provided as follows):

Recommendation for Moving into Camera

1. *That pursuant to Section 90(2) of the Local Government Act 1999, the Special Meeting of Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the Waste Processing Contract - Tender Outcome.*
2. *That the Special Meeting of Council is satisfied that pursuant to section 90(3)(b), (d) and (k) of the Local Government Act 1999, the information be received, discussed or considered in relation to this 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, or proposing to conduct, business, or to prejudice the commercial position of the council; AND information the disclosure of which would, on balance, be contrary to the public interest; AND
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which 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 the disclosure of which would, on balance, be contrary to the public interest; AND
 - tenders for the supply of goods, the provision of services or the carrying out of works.
 - *On the basis that release of this information has the ability to directly impact **Council's ability to negotiate the best value for money for the community as well as impact the potential contractors ability to commercially negotiate contracts with third parties while the process is underway.***
3. *In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the*

*information outweighs the benefit to it of disclosure of the information. 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. That the Special Meeting of Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential because early release of this information **has the ability to directly impact Council's ability to negotiate the best value for money for the community as well as impact the potential contractors ability to commercially negotiate contracts with third parties while the process is underway.***

Note: The meeting should pause to allow members of the public to leave the meeting room and the doors should be closed behind as the last person leaves. Discussion on the matter can then proceed. The meeting automatically moves out of confidentiality at the end of consideration of the matter, and the public should then be invited to attend the meeting.

City of Tea Tree Gully

SPECIAL MEETING OF COUNCIL

31 October 2023

Confidential Subject: Verge and Median Maintenance - Tender Outcome (D23/88277)

It is the recommendation of the Chief Executive Officer that the Verge and Median Maintenance - Tender Outcome be received, discussed and considered in confidence. The Special Meeting of Council should determine whether it is necessary and appropriate for the matter to be discussed in confidence as provided for by the provisions of Sections 90 and 91 of the *Local Government Act 1999* (with a recommendation provided as follows):

Recommendation for Moving into Camera

1. *That pursuant to Section 90(2) of the Local Government Act, 1999 the Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the Verge and Median Maintenance - Tender Outcome .*
2. *That the Council is satisfied that pursuant to section 90(3) k of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:*
 - *tenders for the provision of services or the carrying out of works, with discussion to occur on tender responses and evaluation for the contracted works which would be inappropriate to discuss prior to the awarding of the contract. .*
3. *In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. That the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of **this matter confidential on the basis that it may prejudice Council's ability to be able to negotiate a cost effective outcome for the benefit of Council and the community.***

Note: The meeting should pause to allow members of the public to leave the meeting room and the doors should be closed behind as the last person leaves. Discussion on the matter can then proceed. The meeting automatically moves out of confidentiality at the end of consideration of the matter, and the public should then be invited to attend the meeting.