

<b>ITEM NO.</b>	C.16/1220	<b>FILE REF.</b>	
<b>SUBJECT</b>	Revocation of Council Resolution for Calling of Special Meeting of Council		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	16 December 2020		

Reason for Urgent Business: Feedback from a tender briefing held today for Tender RFT02-20/21 has raised the need to extend the tender closing date to factor in the Christmas/New Year. If this is to occur the tender couldn't be considered at the Special Council Meeting called for 14 January 2021.

### OFFICER RECOMMENDATION

*That Council revoke Part 3 of Resolution SpC.01/1220a that reads:*

3. *That Council notes the closing date for RFT 02-20/21 is 2pm, Tuesday 5<sup>th</sup> January 2021 and calls a Special Meeting of Council for 5.30pm, Thursday 14<sup>th</sup> January 2021 for the purpose of considering tenders received for Tender 02-20/21 Blackwood River Foreshore Project.*

### Summary/Purpose

Due to a proposed change to the closing date for Tender RFT 02-20/21 it is recommended that the Special Council Meeting called for 14 January 2021 for the purpose of considering tenders received not be held. If so this will require revocation of Part 3 of Council Resolution SpC.01/1220a.

### Background

Feedback from a tender briefing held today for Tender RFT02-20/21 has raised the need to extend the tender closing date to factor in the Christmas/New Year period. If this is to occur the tender couldn't be considered at the Special Council Meeting called for 14 January 2021.

### Officer Comment

Under Regulation 10 of the Local Government (Administration) Regulations before a Motion can be considered for revoking of a previous Council decision (resolution), support must be given by at least 1/3 of the number of office (whether vacant or not) of members of the Council. Therefore the Presiding Member will seek an indication of such support from councillors and if 3 or more councillors indicate support by a show of hands the Presiding Member will call for a mover and seconder for the motion proposing the revoking of Part 3 of Council Resolution SpC.01/1220a.

Advice from some of the interested tenderers is that they will be shutting down between Christmas and New Year thus hindering their ability to prepare a suitable tender for consideration. Therefore acting under delegated authority an extension to the tender closing date is being considered but before making a decision on that matter it has to be determined whether the previously called Special Meeting of Council will still be held.

It is recommended Council revoke Part 3 of Council Resolution SpC.01/1220a. This would mean that the report on possible awarding of Tender RFT02-20/21 would be presented to the January ordinary meeting of Council.

## Statutory Environment

### Regulation 10 – Local Government (Administration) Regulations

#### **10. *Revoking or changing decisions (Act s. 5.25(1)(e))***

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
  - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
  - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

## Integrated Planning

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

## Policy Implications - Nil

## Budget Implications - Nil

## Whole of Life Accounting - Nil

### Risk Management

Revoking Part 3 of Council Resolution SpC.01/1220 will allow for the closing date for Tender RFT02-20/21 to be extended thus increasing the likelihood of receiving multiple tenders to assess.

Voting Requirements – Absolute Majority