

CONFIDENTIAL ITEMS 2003 – SEPTEMBER 2012

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
14	5 Mar 07	Contract Variation – Management of the Adelaide Hills Recreation Centre	<p>Reasons:</p> <p>Pursuant to Section 90(3)(d)</p> <p>1. The Council is satisfied that pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:</p> <ul style="list-style-type: none"> - To prejudice the commercial position of the person who supplied the information In that the financial details of the YMCA will be provided and discussed. <p>In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in 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 because the disclosure of this information may result in a competitor receiving the information to the detriment of the tenderer.</p>	Attachment	Commercial in confidence information provided All released under delegated authority	Maintain Confidential Order until contract expiration (31 December 2011 – extended to 31 December 2012). The CEO be delegated the authority to revoke all or part of the order and directed to present a report containing the item for which the confidentiality has been revoked.	3 Sept 12	2 Sept 13	Released 12/12/12

CONFIDENTIAL ATTACHMENT 1 TO ITEM 13.5
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52/050/007

CONFIDENTIAL DRAFT

27 February 2007

Mr Peter Schwarz
Chief Executive Officer
YMCA of South Australia
PO Box 20
FULHAM GARDENS SA 5024

Please note:

Item 8.1.3 + 8.1.4 currently \$12,500 and are now indicating \$42,500 which is a \$30,000 increase
These 2 increases equate to the \$60,000 proposed payment
All other figures are as per the current management agreement

Dear Peter

Re: Variation to Management Agreement - Adelaide Hills Recreation Centre

Following discussions between yourself and myself regarding the Management Agreement for the management of the Adelaide Hills Recreation Centre, the following variation to the Management Agreement is offered:

- Amendment to Clause 8 – Fee of the Management Agreement payable to the YMCA for the delay in the commencement of the operation of a fitness centre, as per the following structure:

8.1 Payment of Fee

Subject to Clauses 8.2 and 8.3, the Council shall pay the Contractor the following amounts on the relevant dates:

- 8.1.3 \$42,500 on 1 January 2007 in respect of the period from 31 December 2006 to 29 June 2007;
- 8.1.4 \$42,500 on 1 July 2007 in respect of the period from 30 June 2007 to 30 December 2007,
- 8.1.5 \$15,000 on 1 January 2008 in respect of the period from 31 December 2007 to 30 December 2008;
- 8.1.6 \$10,000 on 1 January 2009 in respect of the period from 31 December 2008 to 30 December 2009;
- 8.1.7 \$7,500 on 1 January 2010 in respect of the period from 31 December 2009 to 30 December 2010; and
- 8.1.8 \$7,500 on 1 January 2011 in respect of the period from 31 December 2010 to 30 December 2011.

The amendment to Clause 8 Payment of Fee covers:

- a contribution to costs for the promotion and marketing of the commencement of the fitness centre;
 - a contribution towards the purchase of gym equipment due to the increase in purchase price pending the resolution of the lease of the space utilised as a fitness centre.
- Amendment to Schedule 6 – Commencement Date and Management Term
 - The renewal option of the Agreement to be changed to allow for a one (1) year extension to the term of the existing Management Agreement to 31 December 2011 as follows:
 - Renewal Option - Five (5) years commencing on 31 December 2006 and ending on 30 December 2011.
 - New Clause to the Agreement
 - Provision of the fitness centre membership database to be provided to the District Council of Mount Barker, at no charge, at the expiration of the Management Agreement.

Council will prepare a Deed outlining the above variations to the Management Agreement between the YMCA of SA and the District Council of Mount Barker. This Deed will be provided to the YMCA of SA upon endorsement by both the Council and the YMCA of SA's Board of the variations.

In addition, the Council seeks the agreement of the YMCA of SA to commence operation of a fitness centre at the Adelaide Hills Recreation Centre in March 2007.

If you have any queries please do not hesitate to contact me.

Yours sincerely

Andrew Stuart
CHIEF EXECUTIVE OFFICER