



COUNCIL AGENDA

for the Special meeting

Monday 6 July 2020
at 5.30pm

in the Colonel Light Room
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor, Sandy Verschoor (Presiding);
Deputy Lord Mayor, Councillor Hyde;
Councillors Abrahamzadeh, Couros, Donovan, Hou, Khera, Knoll,
Mackie, Martin, Moran and Simms.

1. Acknowledgement of Country

At the opening of the Special Council Meeting, the Lord Mayor will state:

‘Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

2. Apologies and Leave of Absence

Nil

3. Reports for Council

3.1. Presiding Members Report – Timing of Ordinary Council Meetings [2018/04062] [Page 2]

4. Exclusion of the Public

4.1. Exclusion of the Public [2018/04291] [Page 6]

For the following reports for Council seeking consideration in confidence

5.1. City Connector Deed of Agreement [s 90(3) (d)]

5.2. Presiding Members Report – Contract Matter [s 90(3) (a)]

5. Confidential Reports for Council

5.1. City Connector Deed of Agreement [2019/02429] [Page 9]

5.2. Presiding Members Report – Contract Matter [2018/00459]

Distributed separately

6. Closure

Presiding Members Report - Timing of Ordinary Council Meetings

ITEM 3.1 06/07/2020
Council

2018/04062
Public

EXECUTIVE SUMMARY

The existing governance structure has provided opportunity for strategic workshops and discussions on items being presented to the subsequent meeting of Council. This has allowed Council Members to interrogate and seek clarity and information on the reports to be presented to the subsequent Council meeting for decision.

The governance structure has also seen the convening of one formal decision-making ordinary Council meeting per month.

This governance structure is operationally efficient while successfully enabling well informed decision making.

To allow an appropriate time to complete Council business in the context of the number of Motions and Questions with and without notice, and the current trend of meetings running past midnight, it is proposed that ordinary meetings of Council commence at 2.00pm.

Pursuant to section 81(6) of the *Local Government Act 1999 (SA)*, ordinary meetings of Council may be held before 5pm if all Council Members support this by unanimous resolution of the Council.

RECOMMENDATION

THAT COUNCIL

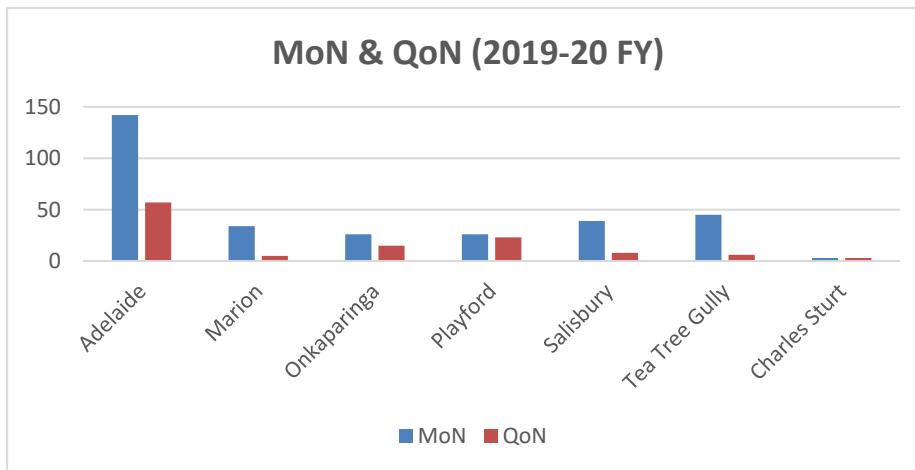
1. Approves the starting time of ordinary meetings of Council to be 2.00pm to allow sufficient time to complete all items on the agenda. Meetings will be held in the Council Chamber, Adelaide Town Hall.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Not as a result of this report
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Compliance with Work Health and Safety requirements Fatigue risks
Opportunities	Fatigue management Financial saving by reduced overtime payments for relevant servicing staff and security
20/21 Budget Allocation	Not as a result of this report
Proposed 21/22 Budget Allocation	Within existing budget – amount to be confirmed
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. Council adopted its current governance and meeting structure at its meeting on 10 December 2019.
2. This governance structure has provided opportunity for strategic workshops and discussions on items being presented to the subsequent meeting of Council. This has allowed Council Members to interrogate and seek clarity and information on the reports to be presented to the subsequent Council meeting for decision.
3. The governance structure has been working effectively and efficiently, enabling well informed decision making.
4. The opportunity to undertake additional CEO briefings, workshop sessions and special meetings of Council has been enabled by the availability of up to two Tuesday nights per month. This has resulted in fewer special meetings to be called on other days of the week.
5. Considerable operational efficiencies have been achieved due to the agenda preparation cycle and servicing of ordinary Council meetings being held once per month.
6. The following chart demonstrates there has been an increase of Motions and Questions on Notice and that such actions are considerably more prevalent in comparison with some of the other large metropolitan councils.



7. In this term of Council, the increase in number of agenda items (through Motions and Questions on notice and without notice) and a trend to seek amendments has resulted in an increase in duration of meetings, with a growing trend of meetings finishing past midnight. The table below shows a comparison of the second calendar year of the current and two previous Council terms. The last column shows 2020 to date:

	Jan-Dec 2011	Jan-Dec 2015	Jan-Dec 2019	Jan-Jun 2020
Motions on Notice	36	34	134	83
Questions on Notice	9	7	33	33

8. Given this trend of lengthy meetings, it is suggested that ordinary meetings of Council should commence before 5.00pm to allow for all Council business to be considered within reasonable timeframes.
9. This measure addresses feedback provided by a number of Council Members regarding concerns around effective decision making late in the evening.
10. An earlier start time would assist in greater efficiency and also appropriately mitigate any Work Health and Safety risks for executive and staff servicing the meeting and appropriately managing fatigue related risks for Council Members.
11. This measure would also reduce the cost of servicing the meeting by reduced overtime payments for critical relevant staff and security contractors.

12. Public participation will be guaranteed through continued online streaming of meetings and accommodating deputations on the order of the agenda to suit participants.
 13. Pursuant to section 81(6) of the *Local Government Act 1999 (SA)*, ordinary meetings of Council may be held before 5pm if all Council Members support this by unanimous resolution of the Council.
 14. It is therefore proposed to seek the ordinary meetings of Council to commence at 2.00pm to allow sufficient time to complete the Council agenda.
 15. In context of the length of the meetings, Council may consider it appropriate to provide refreshments at the meeting for Council Members and relevant staff participating in the meeting (available during breaks).
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ATTACHMENTS

Nil

- END OF REPORT -

Exclusion of the Public

ITEM 4.1 06/07/2020
Council

Program Contact:
Rudi Deco, Manager
Governance 8203 7442

2018/04291
Public

Approving Officer:
Clare Mockler, Acting Chief
Executive Officer

EXECUTIVE SUMMARY

It is the recommendation of the Acting Chief Executive Officer that the public be excluded from this Special Council meeting for the consideration of information and matters contained in the Agenda.

For the following reports for Council seeking consideration in confidence

- 5.1.** City Connector Deed of Agreement [s 90(3) (d)]
- 5.2** Presiding Members Report – Contract Matter [s 90(3) (a)]

The Order to Exclude for Item 5.1 and 5.2:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 5.1

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 6/7/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 5.1 [City Connector Deed of Agreement] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential as information relates to operation costs and contractual arrangements between the Department of Planning, Transport and Infrastructure and its bus contractors.

The disclosure of information in this report could reasonably be expected to prejudice the commercial position of the contractors that supplied the information through a tender process.

Public Interest

Release of the information is contrary to the public interest as it could jeopardise the relationship between CoA and DPTI and between DPTI and its bus contractors. DPTI has advised the Deed contains specific financial information regarding one of the contractors that is commercial in confidence.

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 could be commercially damaging to the bus contractors involved.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 6/7/2020 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 5.1 [City Connector Deed of Agreement] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

ORDER TO EXCLUDE FOR ITEM 5.2

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (a) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 6/7/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 5.2 [Presiding Members Report – Contract Matter] listed on the Agenda.

Grounds and Basis

The Item contains information that must be considered in confidence to ensure the Council does not breach any law, any duty of confidence, or other legal obligation or duty. Disclosure would involve the unreasonable disclosure of information concerning the personal affairs of the CEO, in that, details of his performance review will be discussed, which are sensitive and are details only known to those who have participated in the review process

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 6/7/2020 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 5.2 [Presiding Members Report – Contract Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (a) of the Act.
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DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of Council must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 4.2 cause a loss of confidence in the council or council committee.’
 - 4.3 involve discussion of a matter that is controversial within the council area; or
 - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 83(5) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 5.1 – City Connector Deed of Agreement
 - 6.1.1 Is subject to an Existing Confidentiality Order – 3/12/2013 & 10/12/2013.
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (d)
 - (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
 - 6.2 Information contained in Item 5.2 – Presiding Members Report – Contract Matter
 - 6.2.1 Is subject to an Existing Confidentiality Order – 11/9/2018 & 24/9/2019.
 - 6.2.2 The grounds utilised to request consideration in confidence is s 90(3) (a)
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 5.1
City Connector Deed of Agreement
Section 90 (3) (d) of the *Local Government Act 1999 (SA)*
Pages 9 to 19

Confidential Item 5.2
Presiding Members Report – Contract Matter
Section 90 (3) (a) of the *Local Government Act 1999 (SA)*
Distributed separately
