



# CITY FINANCE AND GOVERNANCE COMMITTEE MINUTES

for the meeting

Tuesday, 20 February 2024

in the Colonel Light Room, Adelaide Town Hall

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Present – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith  
Councillor Dr Siebentritt (Chair)  
Councillor Li (Deputy Chair)  
Councillors Couros, Elliott, Giles, Hou, Martin, Noon and Snape

**1 Acknowledgement of Country**

The Chair stated:

'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 recognize 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**

Apology:

Councillor Abrahamzadeh

Absent:

Councillor Davis

**3 Confirmation of Minutes - 21/11/2023 & 5/12/2023**

Moved by Councillor Giles,  
Seconded by Councillor Noon

That the Minutes of the meeting of the City Finance and Governance Committee held on 21 November 2023 and the Special meeting of the City Finance and Governance Committee held on 5 December 2023, be taken as read and be confirmed as an accurate record of proceedings.

Carried unanimously

Deputy Lord Mayor, Councillor Snape entered the Colonel Light Room at 5.34 pm.

**4 Declaration of Conflict of Interest**

Nil

**5 Deputations**

Nil

The Chair requested leave of the meeting to bring forward Item 7.1 – 2023/24 BP&B Q2 Progress Report for consideration, due to the presence of external subsidiary members that may be required to answer questions.

Leave was granted

**7.1 2023/24 BP&B Q2 Progress Report**

Nikki Govan, Chair Adelaide Economic Development Agency addressed the Committee.

Discussion ensued

It was then –

Moved by Councillor Noon,  
Seconded by Lord Mayor -

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL  
THAT COUNCIL

1. Receives the quarterly update for the Business Plan and 2023/24 Budget as provided in Attachment A to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024, and notes the highlights of deliverables, status updates and risks and opportunities provided for Projects, Portfolios and Subsidiaries.
2. Approves adjustments for the Business Plan and Budget 2023/24 as identified in this report and reflected in Attachment A to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.
3. Approves the budgeted year end Operating Position, which includes:
  - 3.1. Total operating income of \$230.537m
  - 3.2. Total operating expenses (including depreciation) of \$228.534m
  - 3.3. An operating surplus of \$2.003m
4. Approves total capital expenditure of \$110.336m for the 2023/24 year.
5. Approved total borrowings of \$42.106m projected to 30 June 2024
6. Notes the year-to-date Operating Position (Financial Performance) for the quarter as presented in Attachment A to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024, which includes:
  - 6.1. Total operating income of \$118.306m
  - 6.2. Total operating expenses (including depreciation) of \$109.307m
  - 6.3. An operating surplus of \$8.999m
  - 6.4. Total Capital Expenditure of \$40.741m
  - 6.5. Net Cash borrowings position of \$3.076m, with \$5.700m in borrowings, offset by \$2.624m in deposits.
7. Notes the detailed quarterly updates of Council Subsidiaries as provided as Attachments B, C, D & E to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.
8. Notes the updated Long Term Financial Plan as provided in Attachment A to 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.

#### Undertaking - 2023/24 BP&B Q2 Progress Report

In response to queries from Councillor Martin, an undertaking was given to provide Members with a consolidated occupancy figure for Rundle Mall and surrounds.

Carried

## **6 Workshops**

### **6.1 2024/25 Business Plan and Budget - Financial Sustainability, Priorities, Finance Levers and Council Member's Ideas**

Discussion Facilitators:

Michael Sedgman, Acting Chief Executive Officer, City of Adelaide  
Anthony Spartalis, Acting Chief Operating Officer, City of Adelaide

Precis of Topic:

To provide Members with an update on the process for the 2024/25 Business Plan and Budget, Financial Sustainability, Priorities, Finance Levers, Members ideas and feedback.

During the discussion, Councillor Couros left the Colonel Light Room at 6.05 pm and re-entered at 6.08 pm.

### **6.2 By-Law Review**

Discussion Facilitator:

Steve Zaluski, Associate Director, Regulatory Services, City of Adelaide

Precis of Topic:

To provide an update and seek Members feedback on elements of the By-Law Review.

During the discussion:

- Councillor Giles left the Colonel Light Room at 6.30 pm and re-entered at 6.32 pm.
- Lord Mayor left the Colonel Light Room at 6.43 pm and re-entered at 6.45 pm.
- Councillor Martin left the Colonel Light Room at 6.45 pm.

## **7 Reports for Recommendation to Council**

### **7.2 Civic Recognition and Protocol Policy**

Discussion ensued, during which Councillor Martin re-entered the Colonel Light Room at 6.50 pm.

It was then –

Moved by Councillor Elliott,  
Seconded by Councillor Noon -

#### THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS

##### THAT COUNCIL:

1. Notes the report.
2. Adopts the Civic Recognition and Protocol Policy as contained in Attachment A to Item 7.2 on the City Finance and Governance Committee Agenda on 20 February 2024 being presented to Council for adoption.
3. Revokes Part 8 of the City of Adelaide Standing Orders and the residual remainder as adopted by Council in June 2022.
4. Notes that the Civic Recognition Working Group will be disbanded upon adoption of the Civic Recognition and Protocol Policy as contained in Attachment A to Item 7.2 on the Agenda of the City Finance and Governance Committee on 20 February 2024.
5. Authorises the Acting Chief Executive Officer or delegate to make minor editorial typographical or syntactical updates as required to finalise the Civic Recognition and Protocol Policy as contained in Attachment A to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.

Carried

### **7.3 Flags and Banners Policy**

Discussion ensued

#### Undertaking – Referendum Legal Advice

In response to a query from Councillor Couros, an undertaking was given to provide Members, in confidence, the legal advice received regarding the lowering of flags following the conclusion of the Voice referendum.

It was then –

Moved by Councillor Elliott,  
Seconded by Deputy Lord Mayor, Councillor Snape -

#### THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

##### THAT COUNCIL

1. Notes the report.
2. Revokes the City of Adelaide Flags and Banners Policy adopted by Council on 13 May 2014.
3. Adopts the Flags and Banners Policy as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.
4. Authorises the Acting Chief Executive Officer or delegate to make minor editorial typographical or syntactical updates as required to finalise the Flags and Banners Policy as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.

Carried

#### **7.4 Council Member Complaints Policy**

Discussion ensued

It was then –

Moved by Deputy Lord Mayor, Councillor Snape,  
Seconded by Councillor Giles -

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Revokes the Behaviour Management Policy as adopted by Council on 12 December 2023.
2. Adopts the Council Member Complaints Policy (as required by Section 262 B of the Local Government Act 999 SA) as contained in Attachment A to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.
3. Authorises the Acting Chief Executive Officer or delegate to make minor, typographical or syntactical updates to the documents contained in Attachment A and Attachment B to Item 7.4 on the Agenda for the meeting of the City and Finance Committee held on 20 February 2024.

Discussion continued

The motion was then put and carried

#### **7.5 Complaint Operating Guideline - Chief Executive Officer**

Discussion ensued

It was then –

Moved by Lord Mayor,  
Seconded by Councillor Giles -

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

That Council

1. Adopts the Complaints Operating Guideline, Chief Executive Officer contained in Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024 subject to the inclusion of a Definition of the Conduct Committee to read as follows:  
  
'Is a group comprising the Lord Mayor, Deputy Lord Mayor and a proxy Council Member nominated at the start of each Council term.'
2. Authorises the Acting Chief Executive Officer or delegate to make minor, typographical or syntactical updates to the documents contained in Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024.

Discussion continued

The motion was then put and carried

#### **7.6 Local Government Participation and Elections Review**

Discussion ensued

It was then –

Moved by Councillor Martin,  
Seconded by Councillor Noon -

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT:

1. The matter be deferred to a workshop at a City Finance and Governance Committee meeting.

Carried unanimously

#### **8 Reports for Noting**

Nil

#### **9 Exclusion of the Public**

Moved by Councillor Giles,  
Seconded by Councillor Couros -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Finance and Governance Committee dated 20 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Visitor Experience Centre] 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 contains matters that must be considered in confidence as they relate to an open tender process and contain information relating on ongoing licensing negotiations.

The disclosure of information in this report could reasonably provide third parties information that could provide an advantage to them in negotiations with Council. It also includes matters relating to an open tender process for the provision of services.

Public Interest

The Committee is satisfied that in principle the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information relates to ongoing licencing negotiations and an open tender process.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Finance and Governance Committee dated 20 February 2024 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 10.1 [Visitor Experience Centre] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

Carried

Moved by Councillor Hou,  
Seconded by Councillor Noon -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (j) & (g) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Finance and Governance Committee dated 20 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.2 [Capital City Committee Update] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The disclosure of information in this report would breach 'Cabinet in Confidence' information presented to the Capital City Committee (CCC) established under the *City of Adelaide Act 1998* which has provided for a State/Capital City inter-governmental forum (the CCC) to operate and the associated duty of confidence and duty as a member of the inter-governmental forum.

Public Interest

The Committee 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 would divulge information provided on a confidential basis, and would be acting contrary to the CCC operational provisions, and could undermine the CCC operations and prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Finance and Governance Committee dated 20 February 2024 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 10.2 [Capital City Committee Update] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (j) & (g) of the Act.

Carried

Members of the public and Corporation staff present not directly involved with Items 10.1 and 10.2, left Colonel Light Room at 7.13 pm.

**10 Confidential Reports for Recommendation to Council**

**10.1** Visitor Experience Centre [S90(3) (b)]

The meeting resumed at 7.28 pm, with the following Members present:

The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith  
Councillor Dr Siebentritt (Chair)  
Councillors Couros, Elliott, Giles, Hou, Li (Deputy Chair), Martin, Noon and Snape

It was then –

Moved by Councillor Couros,  
Seconded by Councillor Noon -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Finance and Governance Committee dated 20 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Visitor Experience Centre] 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 contains matters that must be considered in confidence as they relate to an open tender process and contain information relating on ongoing licensing negotiations.

The disclosure of information in this report could reasonably provide third parties information that could provide an advantage to them in negotiations with Council. It also includes matters relating to an open tender process for the provision of services.

Public Interest

The Committee is satisfied that in principle the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information relates to ongoing licencing negotiations and an open tender process.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Finance and Governance Committee dated 20 February 2024 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 10.1 [Visitor Experience Centre] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

Carried

It was then –

Moved by Councillor Hou,  
Seconded by Councillor Elliott -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (j) & (g) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Finance and Governance Committee dated 20 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.2 [Capital City Committee Update] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The disclosure of information in this report would breach 'Cabinet in Confidence' information presented to the Capital City Committee (CCC) established under the *City of Adelaide Act 1998* which has provided for a State/Capital City inter-governmental forum (the CCC) to operate and the associated duty of confidence and duty as a member of the inter-governmental forum.

Public Interest

The Committee 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 would divulge information provided on a confidential basis, and would be acting contrary to the CCC operational provisions, and could undermine the CCC operations and prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government

and/or City of Adelaide evaluation and deliberation.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Finance and Governance Committee dated 20 February 2024 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 10.2 [Capital City Committee Update] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (j) & (g) of the Act.

Carried

Members of the public and Corporation staff present not directly involved with Items 10.1 and 10.2, left Colonel Light Room at 7.29 pm.

- 10.1** Visitor Experience Centre [S90(3) (b)]
- 10.2** Capital City Committee Update [S90(3) (g), (j)]

The meeting re-opened to the public at 7.42 pm.

**Item 10.1 - Visitor Experience Centre**

Confidentiality Order

Authorises that in accordance with Section 90 (3) (b) (i) and (ii) of the *Local Government Act 1999* (SA) and because Item 10.1 [Visitor Experience Centre] listed on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024 was received, discussed and considered in confidence pursuant to Section 90 (3) (b) (i) and (ii) of the *Local Government Act 1999* (SA), this meeting of the City Finance and Government Committee do order that:

1. The resolution becomes public information in the Minutes of the Council meeting.
2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until Council has awarded the contract to a tender and the licencing agreement has been finalised.
3. The Chief Executive Officer or delegate be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

**Item 10.2 - Capital City Committee Update**

Confidentiality Order

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* (SA) and because Item 10.2 [Capital City Committee Update] listed on the Agenda for the meeting of the City Finance and Governance Committee held on 20 February 2024 was received, discussed and considered in confidence pursuant to Section 90(3) (j) and (g) of the *Local Government Act 1999* (SA), this meeting of the City Finance and Governance Committee orders that:

1. The resolution becomes public information in the Minutes of the Council Meeting.
2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 January 2030.
3. The confidentiality of the matter be reviewed in December 2024.
4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

**Closure**

The meeting closed at 7.42 pm

Councillor Dr Siebentritt  
**City Finance and Governance Committee Chair**

Documents Attached:

Nil