

Governance Structure

Tuesday, 17 January 2023
Council

Strategic Alignment - Enabling Priorities

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Public

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EXECUTIVE SUMMARY

The *Local Government Act 1999* requires Council to determine various aspects of its decision making structure. This includes establishing the frequency, time, and place of ordinary Council Meetings, as well as its committee structure.

Council Members participated in two workshops in December 2022 to provide feedback on several governance structure options. As a result of the workshops and feedback provided, Council is asked to consider the following:

- that Council adopt a Council Meeting Schedule of two Council meetings a month held on the second and fourth Tuesday at 5.00pm in the Council Chamber at the Adelaide Town Hall
- that Council consider adopting one of the following committee structures
 - Option One – a Single Strategic Committee which meets monthly,
 - Option Two – five Committees that align with Council Strategy, four that meet monthly and one which meets five times a year,
 - Option Three – four functional committees each that meet monthly.

In considering these options, Council must also resolve the membership, Chair, and Terms of Reference for each Committee.

RECOMMENDATION

THAT COUNCIL

1. Adopts a Council meeting schedule of two ordinary meetings per month (except January and December where one meeting will be held each month) to be held on the second and fourth Tuesday of each month, commencing from February 2023. Meetings to be held in the Council Chamber, Adelaide Town Hall, with a start time 5:00pm.
2. Authorise administration to make the appropriate arrangements for Council Member catering, including the provision of a light meal at Council and Committee Meetings.
3. Approves the deletion of Section 15 of the Standing Orders to allow Council to appoint any members to be a presiding member of a Council Committee through resolution.
4. Notes the Governance Structure will be reviewed in consultation with Council Members in July 2023 for effectiveness

AND EITHER

Option One - One Single Committee

5. Establishes a single committee (Strategy Committee) in accordance with section 41 of the *Local Government Act 1999* (SA) with all Council Members as members.
6. Adopts a meeting schedule for the Strategy Committee of one meeting a month held on the third Tuesday of the Month (excluding January and December) commencing on Tuesday 21 February 2023 at 5:00pm (noting that meeting cycles may vary at the discretion of the Chief Executive Officer in liaison with the Chair). Meetings will be held in the Colonel Light Room, Adelaide Town Hall.

7. Adopts the Terms of Reference for the Strategy Committee, as contained in Attachment A to Item 4.1 on the Agenda of the Special Council meeting held on 17 January 2023.
8. Applies the provisions of Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* to all meetings of the Strategy, Policy and Performance Committee.
9. Appoints Cr _____ as Chair of the Strategy Committee from 17 January 2023 for a period of a year.
10. Appoints Cr _____ as Deputy Chair of the Strategy, Policy and Performance Committee from 17 January 2023 for a period of a year.

OR

Option Two - Strategically Aligned Committees

5. Establishes the following committees in accordance with section 41 of the *Local Government Act 1999 (SA)*:
 - 5.1. Thriving Communities Committee
 - 5.2. Strong Economies Committee
 - 5.3. Dynamic City Culture Committee
 - 5.4. Environmental Leadership Committee
 - 5.5. Strategy, Policy and Performance Committee
6. Adopts a Committee Meeting Schedule as follows (noting that meeting cycles may vary at the discretion of the Chief Executive Officer in consultation with the Committee Chair), with all meetings being held in the Colonel Light Room, Adelaide Town Hall:
 - 6.1. Thriving Communities Committee- First Tuesday of the Month (except January and December) at 4:00pm
 - 6.2. Strong Economies Committee- First Tuesday of the Month (except January and December) at 6:00pm
 - 6.3. Dynamic City Culture Committee- Third Tuesday of the Month (except January and December) at 4:00pm
 - 6.4. Environmental Leadership Committee- Third Tuesday of the Month (except January and December) at 6:00 pm
 - 6.5. Strategy, Policy and Performance Committee- fourth Wednesday in February, April, June, August, September, and November in the Colonel Light Room at 5:00pm
7. Adopts the Terms of Reference for these Committees, as contained as Attachment B to Item 4.1 on the Agenda of the Special Council meeting held on 17 January 2023.
8. Applies the provisions of Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* to all meetings of the committees established in part 4.

Thriving Communities Committee

9. Appoints the following Council Members to the Thriving Communities Committee from 17 January 2023 until the last Council meeting in January 2025, those being:
 - 9.1. Members listed
10. Appoints Cr as the Chair and Cr as the Deputy Chair of the Thriving Communities Committee from 17 January 2023 for a period of a year.

Strong Economies Committee

11. Appoints the following Council Members to the Strong Economies Committee from 17 January 2023 until the last Council meeting in January 2025, those being:
 - 11.1. Members listed
12. Appoints Cr as the Chair and Cr as the Deputy Chair of the Strong Economies Committee from 17 January 2023 for a period of a year.

Dynamic City Culture Committee

13. Appoints the following Council Members to the Dynamic City Culture Committee from 17 January 2023 until the last Council meeting in January 2025, those being:

13.1. Members listed

14. Appoints Cr..... as the Chair and Cr as the Deputy Chair of the Dynamic City Culture Committee from 17 January 2023 for a period of a year.

Environmental Leadership Committee

15. Appoints the following Council Members to the Environmental Leadership Committee- Committee from 17 January 2023 until the last Council meeting in January 2025, those being:

15.1. Members listed

16. Appoints Cr..... as the Chair and Cr as the Deputy Chair of the Environmental Leadership Committee from 17 January 2023 for a period of a year.

Strategy, Policy and Performance Committee

17. Appoints the following Council Members to the Strategy, Policy and Performance Committee from 17 January 2023 until the last Council meeting in January 2025, those being:

17.1. Members listed

18. Appoints Cr as the Chairperson and Cr as the Deputy Chair of the Strategy, Policy and Performance Committee from 17 January 2023 for a period of a year

OR

Option Three- Four Functional Committees

5. Establishes the following committees in accordance with section 41 of the *Local Government Act 1999* (SA):

5.1. City Planning, Development and Business Affairs Committee

5.2. Infrastructure and Public Works Committee

5.3. City Finance and Governance Committee

5.4. City Community Services and Culture Committee

6. Adopts a Committee Meeting Schedule as follows (noting that meeting cycles may vary at the discretion of the Chief Executive Officer in consultation with the Committee Chair), with all meetings being held in the Colonel Light Room, Adelaide Town Hall:

- City Planning, Development and Business Affairs Committee first Tuesday of the month(except January and December) at 4.00pm
- Infrastructure and Public Works Committee. first Tuesday of the month (except January and December) at 6.00pm
- City Finance and Governance Committee third Tuesday of the month (except January and December) at 4.00pm
- City Community Services and Culture Committee third Tuesday of the month (except January and December) at 6.00pm

7. Adopts the Terms of Reference for these Committees, as contained as Attachment C to Item 4.1 on the Agenda of the Special Council meeting held on 17 January 2023.

8. Applies the provisions of Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013* (SA) to all meetings of the committees established in part 4.

City Planning, Development and Business Affairs Committee

- 8.1. Appoints the following Council Members to the City Planning, Development and Business Affairs Committee from 17 January 2023 until the last Council meeting in January 2025, those being:

8.2. Members listed

- 8.3. Appoints Cr as the Chair and Cr as the Deputy Chair of the City Planning, Development and Business Affairs Committee from 17 January 2023 for a period of a year.

Infrastructure and Public Works Committee

- 8.4. Appoints the following Council Members to the Infrastructure and Public Works Committee from 17 January 2023 until the last Council meeting in January 2025, those being:

8.5. Members listed

- 8.6. Appoints Cr as the Chair and Cr as the Deputy Chair of the Infrastructure and Public Works Committee from 17 January 2023 for a period of a year.

City Finance and Governance Committee

8.7. Appoints the following Council Members to the City Finance and Governance Committee from 17 January 2023 until the last Council meeting in January 2025, those being:

8.8. Members listed

8.9. Appoints Cr as the Chair and Cr as the Deputy Chair of the City Finance and Governance Committee from 17 January 2023 for a period of a year.

City Community Services and Culture Committee

8.10. Appoints the following Council Members to the **City** Community Services and Culture Committee from 17 January 2023 until the last Council meeting in January 2025, those being:

8.11. Members listed

8.12. Appoints Cr as the Chair and Cr as the Deputy Chair of the City Community Services and Culture Committee from 17 January 2023 for a period of a year.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities Consideration of Council's Governance structure assist Council to continually improve our governance and maximise community benefit.
Policy	City of Adelaide Standing Orders.
Consultation	Council Members have participated in two Council Workshops which were held on 6 December 2022 and 20 December 2022.
Resource	Not as a result of this report.
Risk / Legal / Legislative	Council and its Committees will conduct business in accordance with the relevant provisions of the Local Government (Procedures at Meetings) Regulations 2013 (SA) and the Corporation of the City of Adelaide Standing Orders. Pursuant to section 75 of the <i>Local Government Act 1999</i> (SA), Council Members nominated for a presiding member role where there is remuneration applicable must declare a material conflict of interest considering the allowance set by the Remuneration Tribunal and payable to the presiding member. No material conflict of interest applies to the deputy presiding member by reason only of being nominated as the deputy presiding member, as the Remuneration Tribunal did not provide for an allowance for this role.
Opportunities	A Governance Structure can assist in timely and effective decision making.
22/23 Budget Allocation	Catering: Any additional costs to the current catering budget are expected to be found through savings. Allowances: The Allowance for a Council Member appointed as a Presiding Member of a Committee is \$35,865 (annually). There is no extra allowance for the Lord Mayor or Deputy Lord Mayor for a Presiding Member Role.
Proposed 23/24 Budget Allocation	Any additional costs such as resourcing if required, will be sought through the Budget Process.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
22/23 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

Council

1. The *Local Government Act 1999* (SA) requires Council to determine various aspects of its decision-making structure. This includes the establishing the frequency, time, and place of ordinary Council Meetings.
2. As a result feedback from Council Members it is proposed:
 - to increase the frequency from one to two meetings a month (and decrease number of agenda items).
 - change the start time from 5.30pm to 5.00pm.
 - a future review of the Standing Orders is undertaken to identify other opportunities.
3. Council can choose to meet earlier than 5.00pm, however a unanimous resolution by Council is required.
4. It is therefore recommended that Council adopts a meeting schedule of two ordinary meetings per month (except January and December) to be held on the second and fourth Tuesday of each month starting at 5:00pm.

Council Member Dinners

5. At the Council meeting of 13 December 2022, it was resolved that Council:
 1. *Investigates options to purchase meals or seek catering services from small local businesses located within the City for the purpose of providing meals to elected members and senior Council staff after Council meetings, and in doing so, spend no more than \$25 per person;*
 2. *Resolves not to provide any free alcohol at such dinners with these ratepayer funded meals*
6. It is recommended that the administration is authorised to make these arrangements for a light meal without the need to come back to Council for further decision.
7. It is also proposed that the timing of the meal is not prescribed, rather that flexibility is provided to the Lord Mayor or Committee Presiding Member to allow for short break during the meeting (as allowed by the Standing Orders) or to have a meal at the conclusion of the meeting.

Committee Structure

8. Under section 41 of the *Local Government Act 1999* (SA), Council may establish committee:
 - (a) *to assist the council in the performance of its functions.*

Examples—

 - 1 *To carry out a project on behalf of the council.*
 - 2 *To manage or administer property, facilities, or activities on behalf of the council.*
 - 3 *To oversee works on behalf of the council.*
 - (b) *to inquire into and report to the council on matters within the ambit of the council's responsibilities.*
 - (c) *to provide advice to the council.*
 - (d) *to exercise, perform or discharge delegated powers, functions, or duties.*
9. A Council must, when establishing a committee, determine the reporting and other accountability requirements.
10. Two workshops were held with Council Members on December 6, 2022 (Link 1 view [here](#)) and December 20, 2022 (Link 2 view [here](#)) to discuss and seek feedback on potential governance structures which included discussion on:
 - Function- What is the purpose of the committee(s)
 - Decision – What (if any) decisions can committee(s) make
 - Membership- Membership of the whole, or representatives
 - Frequency- How often will committee(s)
11. These workshops also included consideration of a committee structure first proposed in the MoN 'Meeting Structure' as part of the Council agenda on 29 November 2022 comprising:
 - City Finance and Governance Committee
 - City Planning Development and Business Affairs Committee

- City Community Services and Culture Committee
- Infrastructure and Public Works Committee

11.1 This Committee structure is presented as option three.

12. For the purposes of the resolution, Members will be asked to move either Option One, Option Two or Option Three of the recommendation.
13. It is proposed that the governance structure adopted is reviewed in July 2023 for effectiveness.

Option One - One Strategy Committee

14. This option is closely aligned to that adopted by the previous term of Council.
15. **Attachment A** contains the draft Terms of Reference for the Strategy Committee. These are required to be endorsed to be able to establish the Committee.
16. The function of the Strategy, Policy and Performance Committee is proposed as follows:
 - monitor the achievement of the City of Adelaide's Strategic Plan 2020-2024
 - deliberate and make recommendations to Council on priorities, strategies and policies related to Council's Strategic Plan
 - recommend to Council approval of proposals related to achieving Council's Strategic Plan outcomes.
 - recommend to Council the approval of expenditure of resources related to achieving Council's Strategic Plan outcomes.
 - monitor the progress of activities in Council's Strategic Plan outcomes.
17. It is proposed that the Strategy, Policy and Performance Committee meet once a month on the third Tuesday of the Month (excluding January and December) commencing on Tuesday 21 February 2023 at 5.00pm (noting that meeting cycles may vary at the discretion of the CEO).
18. Given the Committee is focused on strategy, it is proposed that the Committee include all members of Council.
19. It is noted that, under the City of Adelaide Standing Orders the Deputy Lord Member is named the Presiding Member for any core committees. If Council wishes to appoint a Council Member to this role, the Standing Orders will need to be amended.

Option Two – Five Committees – Aligned with Strategic Pillars

20. The second option that has been prepared for consideration, responds to Council feedback and is structured to align with Council's Strategic Plan.
21. **Attachment B** contains the draft Terms of Reference for each Committee. Council endorsement of these documents is required to establish the following committees
 - Thriving Communities Committee
 - Strong Economies Committee
 - Dynamic City Culture Committee
 - Environmental Leadership Committee
 - Strategy, Policy and Performance Committee
22. The first four Committees are responsible for providing recommendations to Council to assist in the achievement of the strategic pillars aligned to Council's Strategic Plan.
23. The Strategy, Policy and Performance Committee is responsible for shaping strategy and making recommendations to Council to assist in the setting of the City of Adelaide Strategic Plans and Budget. The Committee is also responsible for recommending to Council the approval of policy and other strategies.
24. It is proposed that the Committees are scheduled as follows:
 - Thriving Communities Committee- First Tuesday of the Month (except January and December) at 4.00pm
 - Strong Economies Committee- First Tuesday of the Month (except January and December) at 6.00pm
 - Dynamic City Culture Committee- Third Tuesday of the Month (except January and December) at 4.00pm

- Environmental Leadership Committee - Third Tuesday of the Month (except January and December) at 6.00 pm
 - Strategy, Policy and Performance Committee- fourth Wednesday in February, April, June, August, September, and November in the Colonel Light Room at 5.00pm
25. Given the number of Committees, it is proposed that Council Members consider if they would like to be members of all committees. There is no restriction on the number of Committees that members can sit on.

Option Three – Four Committees – Aligned with Council Functions

26. The third option that has been prepared for consideration, responds to Council feedback and is a structure that aligns with Council’s Functions

27. **Attachment C** contains the draft Terms of Reference for each Committee. Council endorsement of these documents is required to establish the following committees

- City Planning, Development and Business Affairs Committee
- Infrastructure and Public Works Committee
- City Finance and Governance Committee
- City Community Services and Culture Committee

28. The first four Committees are responsible for providing recommendations to Council to assist in the achievement to Council’s Functions

29. It is proposed that the Committees are scheduled as follows:

- City Planning, Development and Business Affairs Committee first Tuesday of the month (except January and December) at 4.00pm
- Infrastructure and Public Works Committee. first Tuesday of the month (except January and December) at 6.00pm
- City Finance and Governance Committee third Tuesday of the month (except January and December) at 4.00pm
- City Community Services and Culture Committee third Tuesday of the month (except January and December) at 6.00pm

30. Given the number of Committees, it is proposed that Council Members consider if they would like to be members of all committees. There is no restriction on the number of Committees that members can sit on.

Presiding Members

31. Given the number of Committees, if Option Two or Option Three is the preferred Option, the Standing Orders will need to be changed to allow the nomination of other Council Members as Presiding Members.

32. A Council Member, who is a Presiding Member, is entitled to a total allowance of \$35,861

33. There is no additional entitlement for the Lord Mayor or Deputy Lord Mayor who are appointed to the Presiding Member Role.

34. Any Council Member (not being the Lord Mayor or Deputy Lord Mayor) will therefore need to declare a Material Conflict and leave the meeting.

35. Where there is more than one nomination, a ballot process will be undertaken.

36. The Standing Orders prescribe that the Deputy Lord Member is the Presiding Member for any core Committees. If Council wishes to appoint a Council Member to this role, the Standing Orders will need to be amended.

DATA AND SUPPORTING INFORMATION

Link 1 – Council Governance Workshop – December 6, 2022

Link 2 – Council Governance Workshop – December 20, 2022

ATTACHMENTS

Attachment A – Option One Terms of Reference – Single Committee (Strategy Committee)

Attachment B – Option Two Terms of Reference – Multiple Committees (Aligned with Strategic Pillars).

Attachment C – Option Three Terms of Reference- Multiple Committees (Aligned with Council Functions)

- END OF REPORT -