

## Appointment of Adelaide Economic Development Agency Board Member

Strategic Alignment - Strong Economies

Confidential - s 90(3) (a) unreasonable disclosure of personal affairs

Tuesday, 12 December 2023

Council

**Program Contact:**

Michael Sedgman - Chief  
Operating Office

**Approving Officer:**

Clare Mockler, Chief Executive  
Officer

## EXECUTIVE SUMMARY

Pursuant to Clause 4.4.1.3(b) of the Adelaide Economic Development Agency (AEDA) Charter, the AEDA Board shall consist of up to six Board Members with an appropriate range of skills and experience, including at least three Board Members who are business owners within the City of Adelaide, with at least one being a small business owner.

The term of office for one current Board Member will expire on 17 January 2024.

In accordance with Clause 4.4.1.3 of the AEDA Charter, an Expression of Interest process was undertaken and the Board Selection Panel was convened.

The Board Selection Panel recommends that Jim Kouts is appointed as an AEDA Board Member for a term of 2.5 years.

Consideration in confidence is sought because public discussion and disclosure of information in this report prior to a resolution being determined by Council may potentially implicate the reputations of all Board nominees in the business community.

## RECOMMENDATION

### THAT COUNCIL

1. Approves the appointment of Jim Kouts to the Adelaide Economic Development Agency as a Board Member for a 2.5 year term commencing 18 January 2024 and expiring on 30 June 2026.
2. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 24.2 [Adelaide Economic Development Agency Appointment of Board Member] listed on the Agenda for the meeting of the Council held on 12 December 2024 was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:
  - 5.1 The resolution, report, discussion and any other associated information submitted to this meeting in relation to the matter remain confidential and not available for public inspection until the successful candidate has accepted the position and the unsuccessful applicants have been advised of the recruitment process outcome.
  - 5.2 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of the order herein and directed to present a report to containing the Item for which the confidentiality order has been revoked.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<a href="#">Strategic Alignment – Strong Economies</a>
Policy	The AEDA Charter shown at Link 1 view <a href="#">here</a> , outlines the role and term of the AEDA Board and has informed the selection process.
Consultation	An Expression of Interest process for an expiring Board Member role was undertaken from 31 October 2023 to 12 November 2023. The Selection Panel met on 21 November 2023 to discuss the expressions of interest received, and interviewed three shortlisted candidates on Wednesday 29 November 2023.
Resource	Not as a result of this report
Risk / Legal / Legislative	In accordance with Clause 4.4.1.3(b) of the AEDA Charter, Council appoints 'up to six Board Members with an appropriate range of skills and experience, including at least three Board Members who are business owners within the City of Adelaide, with at least one being a small business owner'.
Opportunities	Not as a result of this report
23/24 Budget Allocation	No additional budget impact. Board Member meeting attendance fees are funded through the approved AEDA operating budget.
Proposed 24/25 Budget Allocation	No additional budget impact. Board Member meeting attendance fees are funded through the approved AEDA operating budget.
Life of Project, Service, Initiative or (Expectancy of) Asset	2.5 year term.
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Board sitting fees and reimbursement of expenses for the appointed terms
Other Funding Sources	Not as a result of this report

## GROUNDS AND BASIS FOR CONSIDERATION IN CONFIDENCE

### Grounds

Section 90(3)(a) of the *Local Government Act 1999 (SA)* [unreasonable disclosure of personal affairs]

### Basis

This Item contains confidential information that must be considered in confidence in order to protect the personal affairs of the nominee.

Public discussion and disclosure of information in this report prior to a resolution being determined by Council may potentially implicate the nominee's reputation in the business community.

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## DISCUSSION

1. The term of office for current Adelaide Economic Development Agency (AEDA) Board Member Manuel Ortigosa expires on 17 January 2024. Clause 4.4.3 of the AEDA Charter states that Board Members are eligible to apply for reappointment for a maximum of three consecutive terms.
2. Pursuant to clause 4.4.1.3(b) of the AEDA Charter, the Board Selection Panel (the Panel) shall comprise the Council's CEO, the Council's senior manager in charge of human resources, the Chairperson and three Council Members.
3. Council at its meeting on 26 April 2023 resolved that Councillors Couros, Giles and Noon be appointed to the Panel.
4. In accordance with Clause 4.4.1.3 of the AEDA Charter, an Expression of Interest process was undertaken from 31 October 2023 to 12 November 2023 inclusive.
5. As noted in Clause 4.4.1.3(b) of the AEDA Charter, it is intended that the Board Members have an appropriate range of skills and experience. The Panel met on 21 November 2023 to discuss the 68 expressions of interest against the skills and experience of the current AEDA Board Members and the opportunity the impending Board vacancies presented to expand on the current Board skillset.
6. The Panel undertook interviews of three short listed applicants on Wednesday 29 November 2023, and at the conclusion of the interview process the Panel agreed that Jim Kouts was the preferred candidate and would be nominated to Council for appointment to the AEDA Board.
7. The Panel in its deliberation noted the skills and experience that Jim Kouts would bring to the Board as follows:
  - 7.1. Jim Kouts is a professional director and corporate advisor, with experience in external affairs and organisation positioning gained across private and public sectors, including 18 years as Head of Corporate Affairs in Australia for a global publicly listed energy business. Mr Kouts is currently the Chair of Business Events Adelaide and HomeStart Finance and through these positions demonstrates commercial decision-making capabilities, ability to engage and maintain strong interpersonal relationships and the ability to provide a clear strategic focus to Board input.
8. In determining the term of office to recommend to Council for the recommended candidate, the Panel noted the terms of office for the current AEDA Board Members that will expire over the next three years and noted that clause 4.4.2 of the AEDA Charter requires that no more than half the Board Members' term of office expire in the same year. It is therefore recommended to Council that the candidate be appointed for a term of 2.5 years.
9. Consideration of this report in confidence is to protect the personal affairs of the individual whilst Council considers the appointment of this Board position and subsequent contact is made with all applicants, particularly those who were interviewed. Once these discussions have been completed, it is proposed that the CEO uses her delegation to release Council's recommendation and resolution, report, discussion and any other associated information submitted to this meeting in relation to the matter from confidence and announcement of the appointments be provided to all key stakeholders.

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## DATA AND SUPPORTING INFORMATION

**Link 1** – Adelaide Economic Development Agency Charter

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## ATTACHMENTS

Nil

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- END OF REPORT -