

# MINUTES

Chief Executive Officer -  
Performance Review Committee

## MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING

HELD ON

MEETING DATE



**THURSDAY 4 OCTOBER 2007**

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City of  
Joondalup

## **CITY OF JOONDALUP**

### **MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD IN CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON THURSDAY, 4 OCTOBER 2007**

#### **ATTENDANCE**

##### **Committee Members:**

Cr Russ Fishwick	<i>Presiding Person</i>	South Ward
Mayor Troy Pickard		
Cr Tom McLean		North Ward
Cr Brian Corr		South-East Ward

##### **Officers:**

Chief Executive Officer:	GARRY HUNT	<i>from 1810 hrs to 1835 hrs</i>
Director Corporate Services:	MIKE TIDY	<i>absent from 1804 hrs to 1810 hrs</i>
Acting Manager, Marketing Communications And Council Support:	JANET HARRISON	

##### **In attendance:**

Mr John Phillips, Workplace Solutions

#### **DECLARATION OF OPENING**

The Presiding Person declared the meeting open at 1730 hrs.

#### **APOLOGIES/LEAVE OF ABSENCE**

Apologies: Cr Geoff Amphlett  
Cr Steve Magyar

#### **CONFIRMATION OF MINUTES**

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE HELD 2 OCTOBER 2007

This will be undertaken at the next meeting of the Chief Executive Officer - Performance Review Committee.

## ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

### Disclosure of Financial Interest

*A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.*

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	Item 1 – Chief Executive Officer Concluded Annual Performance Review
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Mr Hunt holds the position of CEO.

### Disclosure of interest affecting impartiality

*Elected Members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.*

<b>Name/Position</b>	<b>Mr Mike Tidy - Director Corporate Services</b>
<b>Item No/Subject</b>	Item 1 – Chief Executive Officer Concluded Annual Performance Review
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Due to the nature of his employment relationship with the CEO.

## IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil

## PETITIONS AND DEPUTATIONS

Nil

## **ITEM 1 CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW - [74574]**

**WARD:** All

**RESPONSIBLE** Michael Tidy  
**DIRECTOR:** Director Corporate Services

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### **PURPOSE OF REPORT**

The purpose of this report is for the CEO Performance Review Committee (the committee) to consider its report and conclude the annual review process with its recommendation to Council.

### **EXECUTIVE SUMMARY**

Having completed the scheduled interview the committee now needs to consider its report on the performance of the Chief Executive Officer (CEO) and make a recommendation to Council in relation to his annual performance review. In addition to performance over the reporting period the report also incorporates proposed key performance indicators (KPIs) and measures for the next review period to August 2008.

*It is recommended that Council:*

- 1 *ADOPTS the CEO Performance Review Committee's Confidential Concluded Annual Performance Review Report and endorses the overall rating of "[to be determined at the committee meeting]."*
- 2 *ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2007/08.*

### **BACKGROUND**

The scheduled interview of the CEO for the purpose of conducting his performance review in accordance with clause 11.3(b) of the CEO's contract was conducted at a meeting of the CEO Performance Review Committee on 27 September 2007.

The CEO's annual performance review process now requires that a report (marked "Private and Confidential") be prepared and signed. The CEO is to be provided with a copy and has up to five (5) working days in which to provide any written comments he may have about matters addressed in the report.

Following the period for the CEO's written comments the report of the committee together with any written comments from the CEO (as an annexure to the report) are to be submitted to Council at its next meeting provided the Council receives a copy at least five (5) working days prior to the Council Meeting.

## **DETAILS**

### **Issues and options considered:**

The committee discussed the outcomes of the CEO's performance interview at its meeting on 2 October 2007. A confidential draft Concluded Annual Performance Review Report of the CEO's performance has been completed and is attached (Attachment 1 refers). The report addresses the performance of the CEO over the review period August 2006 to August 2007.

At the CEO's performance interview a review was also done of the CEO's key performance indicators and measures against each of the key result areas. The attached report includes the proposed revised indicators and measures for the next reporting period to August 2008.

### **Link to Strategic Plan:**

Objective 4.5 - To manage our workforce as a strategic business resource.

### **Legislation – Statutory Provisions:**

Included in Clause 3 Executive Duties, of the CEO's Employment Contract are the following references to the Local Government Act 1995 and other regulatory requirements:

- "3.3 exercise such powers and carry out such duties and functions as are imposed in the Act, and all other relevant laws, regulations and Standing Orders
- 3.4 fulfil the functions of a CEO as prescribed in the Act
- 3.5 comply with the Council's policies and procedures and Code of Conduct, as varied from time to time by the Council"

Specifically section 5.38 of the Local Government Act 1995 sets out the statutory requirement for an annual performance review of the CEO.

It should be noted that the committee has no delegated power.

### **Risk Management considerations:**

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on a periodic basis and the committee is required to refer its concluded report to the Council for consideration.

### **Financial/Budget Implications:**

In conducting the performance review under the CEO's Employment contract, the committee is required to consult with and seek guidance from an external and independent human resources expert, or similar, to facilitate the review of the CEO's performance (Clause 11.3(e)(i)).

The cost of the appointed consultant is covered by the City's consultancy budget for 2007/08.

### **Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

As part of the review process under clause 11(3)(e)(ii) the committee is required to seek written comments in relation to the CEO's performance from all individual Elected Members. This has been done and the feedback incorporated into the committee's deliberations and final report.

**COMMENTS**

The committee has now completed all of the processes in the CEO's performance review other than submitting a copy of its report to the CEO for comment and then to Council for its consideration. The report also incorporates a review and recommendations for key performance indicators and measures against the key result areas for the next review period to August 2008.

**ATTACHMENTS**

Attachment 1      CEO Confidential Concluded Annual Performance Review Report  
(distributed separately)

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

- 1      ADOPTS the CEO Performance Review Committee's Confidential Concluded Annual Performance Review Report and endorses the overall rating of "[to be determined at the committee meeting]";
- 2      ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2007/08.

The Director Corporate Services tabled the Confidential Concluded Annual Performance Review Report (forming Attachment 1 hereto), which had been emailed to Committee members on 4 October 2007. Committee members were advised that the blue text in this report was a combination of wording raised at the last Committee meeting and also from the Chief Executive Officer.

Extensive discussion ensued on the Confidential Concluded Annual Performance Review Report. The Director Corporate Services advised that the Chief Executive Officer was available, should the Committee wish to discuss any issue with him.

### **SUSPENSION OF STANDING ORDERS LOCAL LAW 2005**

**MOVED** Cr Fishwick, **SECONDED** Cr McLean that the CEO Performance Review Committee **SUSPENDS** the City's Standing Orders Local Law 2005 to enable the Committee to discuss matters relating to the Confidential Concluded Annual Performance Review Report with the Chief Executive Officer.

**The Motion was Put and**

**CARRIED (4/0)**

**In favour of the Motion:** Crs Fishwick, Corr, McLean and Mayor Pickard

The Director Corporate Services left the Room at 1804 hrs and returned at 1810 hrs with the Chief Executive Officer.

Discussion resumed on the Confidential Concluded Annual Performance Review Report.

The Chief Executive Officer left the Room at 1835 hrs.

### **RESUMPTION OF STANDING ORDERS LOCAL LAW 2005**

**MOVED** Cr Fishwick, **SECONDED** Mayor Pickard that Standing Orders be **RESUMED**.

**The Motion was Put and**

**CARRIED (4/0)**

**In favour of the Motion:** Crs Fishwick, Corr, McLean and Mayor Pickard

**MOVED** Mayor Pickard **SECONDED** Cr McLean that the Chief Executive Officer Performance Review Committee **RECOMMENDS** that Council **ADOPTS** the Key Performance Indicators and Measures against each of the Key Result Areas for 2007/08, subject to the following amendments to the Confidential Concluded Annual Performance Review Report, forming Attachment 1 hereto:

- 1 **Page 9: KPI – Progress Development of the strategic plan: First dot point within Measure to be removed and replaced with:**

**“Presentation of the strategic plan to Council for final adoption.  
Development of a practical methodology for its implementation.”**

- 2 **Page 10: KPI – Investment of the City's financial assets: Wording of dot point to be amended to read:**

**“Develop a long term financial plan for City building and road assets.”**

- 3 **Page 13: KPI – Implement Major Project phases in accordance with the strategic plan, annual plan and operational budget:**

(a) **Amend the abbreviation ‘ORM’ to read ‘Ocean Reef Marina’;**

(b) **Amend the abbreviation ‘JCCDP’ to read ‘Joondalup City Centre District Plan’;**

- 4      **Page 13: KPI – Implement Major Project phases in accordance with the strategic plan, annual plan and operational budget: A point (c) be added to Joondalup CBD to read:**

“(c)    **implementation of project plans in accordance with the project plans adopted by Council.”**

**The Motion was Put and**

**CARRIED (4/0)**

**In favour of the Motion:** Crs Fishwick, Corr, McLean and Mayor Pickard

**MOVED Cr Fishwick SECONDED Mayor Pickard that the Chief Executive Officer Performance Review Committee:**

- 1      **ADOPTS the Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating of ‘Meets the Performance Requirements’;**
- 2      **NOTES that the Chief Executive Officer has continued to provide excellent leadership, strategic management and governance for the City of Joondalup.**

**The Motion was Put and**

**CARRIED (4/0)**

**In favour of the Motion:** Crs Fishwick, Corr, McLean and Mayor Pickard

A confidential memorandum from the Chief Executive Officer to the Committee, dated 4 October 2007, was tabled – Attachment 2 refers.

The Director Corporate Services provided documentation on salaries and allowances to the Committee members.

The Presiding Person thanked Mr Phillips and the Director Corporate Services for the information provided to the Committee.

#### **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

#### **REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

#### **CLOSURE**

There being no further business, the Presiding Person declared the Meeting closed at 1847 hrs; the following Committee members being present at that time:

Cr Russ Fishwick  
Mayor Troy Pickard  
Cr Tom McLean  
Cr Brian Corr