

minutes

Chief Executive Officer
Performance Review Committee

MEETING HELD ON **MONDAY, 25 MARCH 2013**

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CITY OF JOONDALUP

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON 25 MARCH 2013.

ATTENDANCE

Committee Members:

Mayor Troy Pickard	<i>Presiding Member</i>	
Cr Geoff Amphlett, JP	<i>Deputy Presiding Member</i>	
Cr John Chester		<i>until 6.59pm</i>
Cr Teresa Ritchie	<i>Deputising for Cr Fishwick</i>	
Cr Tom McLean, JP		
Cr Mike Norman		<i>until 6.59pm</i>
Cr Sam Thomas		

Officers:

Mr Garry Hunt	Chief Executive Officer	<i>from 6.43pm</i>
Mr Mike Tidy	Director Corporate Services	<i>absent from 6.41pm until 6.43pm</i>
Mr Brad Sillence	Manager Governance	<i>absent from 6.41pm until 6.42pm</i> <i>absent from 6.50pm until 6.52pm</i>

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.03pm.

APOLOGIES/LEAVE OF ABSENCE

Apologies

Cr Russ Fishwick, JP.

Leave of Absence previously approved

Cr Brian Corr	4 April to 13 April 2013 inclusive.
Cr Kerry Hollywood	1 May to 26 May 2013 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 12 NOVEMBER 2012

MOVED Cr McLean SECONDED Cr Amphlett that the minutes of the meeting of the Chief Executive Officer – Performance Review Committee held on 12 November 2012 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, McLean, Norman, Ritchie and Thomas.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

DECLARATIONS OF INTEREST

Disclosure of Financial Interest/Proximity 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. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item 2 – Confidential – Chief Executive Officer – New Contract of Employment.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item 3 – Confidential – Chief Executive Officer – 2012-13 Key Performance Indicators.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of CEO.

Disclosure of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required 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.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 2 – Confidential – Chief Executive Officer – New Contract of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 3 – Confidential – Chief Executive Officer – 2012-13 Key Performance Indicators.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of his employment relationship with the CEO.

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

In accordance with Clause 76 of the City's *Standing Orders Local Law 2005*, this meeting was not open to the public.

PETITIONS AND DEPUTATIONS

Nil.

REPORTS

**ITEM 1 ADOPTION OF MEETING DATES FOR 2013 – CEO
PERFORMANCE REVIEW COMMITTEE**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20006
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For the CEO Performance Review Committee (the Committee) to consider the proposed schedule of committee meeting dates for 2013, up until the local government elections.

EXECUTIVE SUMMARY

In order to assist with forward planning for all Elected Members, management and staff, a schedule of meeting dates has been prepared for the Committee, ensuring synergy between meeting dates and the flow of information and decision-making.

It is recommended that the CEO Performance Review Committee ADOPTS the meeting dates and times for the Audit Committee of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup.

BACKGROUND

The Committee was established at the Ordinary Council Meeting held on 7 June 2005 (CJ104-06/05 refers). The purpose of the committee is to:

- 1 Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract.
- 2 Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning.
- 3 Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract.

- 4 Review the Key Performance Indicators to be met by the Chief Executive Officer.
- 5 Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract.
- 6 Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.

At its meeting held on 20 November 2012 (CJ228-11/12 refers) Council adopted the meeting dates for the Strategy and Briefing sessions, and Ordinary Council meetings.

The schedule of Council meeting dates was based on the format used for the last five years; a monthly meeting format with Strategy Sessions held on the first Tuesday of each month; Briefing Sessions held on the second Tuesday and Council meetings on the third Tuesday.

This enables committee meetings to be scheduled on the Monday, Tuesday or Wednesday of weeks one, two and three so as to minimise potential conflicts with other Council activities and provide a 'meeting-free' week in the fourth week of each month.

DETAILS

The meeting dates for the Committee follow the program for the Chief Executive Officer's performance review which usually commences late June and concludes with a report to Council in October. This year it is proposed to complete the process in September as there will be no committee meetings in October due to the local government elections in October 2013.

Issues and options considered

The CEO Performance Review Committee can either:

- adopt the meeting dates as proposed in this report
or
- amend the meeting dates.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995*
 Local Government (Administration) Regulations 1996
 Standing Orders Local Law 2005

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

Should forward planning of committee meetings not be identified, then there is a risk for meetings to be held on an ad-hoc basis; lacking coordination with other key meetings and corporate planning processes.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It should be noted that no meeting dates have been set after October 2013 due to the impact of the local government elections. A further report will be submitted to the CEO Performance Review Committee to propose the meeting dates for the remainder of the year, following the elections.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett SECONDED Cr Ritchie that the Chief Executive Officer - Performance Review Committee ADOPTS the following meeting dates and times for the Chief Executive Officer - Performance Review Committee of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Chief Executive Officer - Performance Review Committee meetings to be held in Conference Room 2
5.30pm on Tuesday, 25 June 2013
3.00pm on Tuesday, 20 August 2013
7.30pm on Monday, 2 September 2013
6.00pm on Monday, 16 September 2013

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, McLean, Norman, Ritchie and Thomas.

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	Item 2 – Confidential – Chief Executive Officer – New Contract of Employment.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of CEO.

Disclosure of interest affecting impartiality

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 2 – Confidential – Chief Executive Officer – New Contract of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of his employment relationship with the CEO.

ITEM 2 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER - NEW CONTRACT OF EMPLOYMENT

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	74574
ATTACHMENT	Attachment 1 Draft New Employment Contract of the Chief Executive Officer for the City of Joondalup <i>(Please Note: This attachment is confidential and will appear in the official Minute Book only)</i> Attachment 2 Extract of sections 5.36 to 5.40 of the <i>Local Government Act 1995</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with Section 5.23 (2)(a) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

a matter affecting an employee.

A full report was provided to Elected Members under separate cover. The report is not for publication.

The Committee discussed the following changes:

- *Deleting new clause 1.7.*
- *Performance Review Committee being referred to as the Chief Executive Officer – Performance Review Committee throughout the document.*
- *Deleting new clause 2.1.*
- *Amending the term to reflect the Contract commences as of the day after Council's endorsement date and throughout the document.*
- *Amending typographical errors in clause 11.2.*
- *Amending clause 12.5 (a)(ii) to include an iPad.*
- *Reinstating clause 12.1 to reflect Council's recent approval.*

OFFICER'S RECOMMENDATION

That the Chief Executive Officer Performance Review Committee:

- 1 CONSIDERS the draft new contract of employment between the Chief Executive Officer and the City of Joondalup as detailed in Attachment 1 to this Report;
- 2 REQUESTS that a copy of the draft new contract of employment between the Chief Executive Officer and the City of Joondalup be provided to the Chief Executive Officer for his consideration.

MOVED Cr Chester SECONDED Cr Norman that the Chief Executive Officer - Performance Review Committee:

- 1 **REQUESTS changes be made to the draft new contract of employment between the Chief Executive Officer and the City of Joondalup, as identified by the Chief Executive Officer - Performance Review Committee, with an updated contract to be presented at a future meeting of the Chief Executive Officer - Performance Review Committee;**
- 2 **REQUESTS a copy of the revised draft new contract of employment between the Chief Executive Officer and the City of Joondalup be provided to the Chief Executive Officer for endorsement.**

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, McLean, Norman, Ritchie and Thomas.

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	Item 3 – Confidential – Chief Executive Officer – 2012-13 Key Performance Indicators.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of CEO.

Disclosure of interest affecting impartiality

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 3 – Confidential – Chief Executive Officer – 2012-13 Key Performance Indicators.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of his employment relationship with the CEO.

ITEM 3 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER – 2012-13 KEY PERFORMANCE INDICATORS

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	74574
ATTACHMENT	Attachment 1 Draft Key Performance Indicators of the Chief Executive Officer for 2012-13
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with Section 5.23 (2)(a) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

a matter affecting an employee.

A full report was provided to Elected Members under separate cover. The report is not for publication.

The Director Corporate Services left the Room, the time being 6.41pm.

The Manager Governance left the Room, the time being 6.41pm, and returned at 6.42pm.

The Director Corporate Services and the Chief Executive Officer entered the Room, the time being 6.43pm. The Chief Executive Officer declared his interest.

The Manager Governance left the Room, the time being 6.50pm, and returned at 6.52pm.

Crs Chester and Norman left the Room, the time being 6.59pm.

OFFICER'S RECOMMENDATION

That Council **ADOPTS** the Key Performance Indicators of the Chief Executive Officer, aligned to the Key Themes of the Strategic Community Plan 2012-2022, for the next review period 2012-13 as detailed in Attachment 1 to this Report.

MOVED Cr Amphlett SECONDED Cr McLean that Council:

- 1 ADOPTS the Key Performance Indicators of the Chief Executive Officer, aligned to the Key Themes of the Strategic Community Plan 2012-2022, for the current review period 2012-13 as detailed in Attachment 1 to this Report;**
- 2 REQUESTS new Key Performance Indicators of the Chief Executive Officer be prepared and linked to the Key Themes of the Strategic Community Plan 2012-2022 for inclusion in the new employment contract of the Chief Executive Officer for the City of Joondalup and that it be referred to the Chief Executive Officer – Performance Review Committee for its endorsement at a future meeting of the Chief Executive Officer – Performance Review Committee.**

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, McLean, Ritchie and Thomas.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Member declared the Meeting closed at 7.09pm; the following Committee Members being present at that time:

Mayor Troy Pickard
Cr Geoff Amphlett, JP
Cr Teresa Ritchie
Cr Tom McLean, JP
Cr Sam Thomas