

minutes

Chief Executive Officer
Performance Review Committee

MEETING HELD ON

TUESDAY, 4 JUNE 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 TUESDAY, 4 JUNE 2013.

ATTENDANCE

Committee Members:

Mayor Troy Pickard *Presiding Member*
Cr Geoff Amphlett, JP *Deputy Presiding Member*
Cr John Chester
Cr Russ Fishwick, JP *from 5.03pm*
Cr Tom McLean, JP
Cr Sam Thomas

Officers:

Mr Garry Hunt *Chief Executive Officer from 5.32pm until 5.45pm*
Mr Mike Tidy *Director Corporate Services absent from 5.30pm until 5.32pm*
Mr Brad Sillence *Manager Governance*

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.02pm.

APOLOGIES/LEAVE OF ABSENCE

Nil.

CONFIRMATION OF MINUTES

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW
COMMITTEE MEETING HELD ON 25 MARCH 2013

**MOVED Cr McLean, SECONDED Cr Amphlett, that the minutes of the meeting of
the Chief Executive Officer – Performance Review Committee held on 25 March
2013 be confirmed as a true and correct record.**

The Motion was Put and

CARRIED (5/0)

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

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

Cr Fishwick entered the Room, the time being 5.03pm.

DECLARATIONS OF INTEREST

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. 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 1 - Confidential – Chief Executive Officer - New Contract of Employment.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	Item 2 - Confidential - Chief Executive Officer Annual Performance Review Program.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

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 1 - 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 Chief Executive Officer.

Name/Position	Mayor Troy Pickard.
Item No./Subject	Item 2 - Confidential - Chief Executive Officer Annual Performance Review Program.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	President of WALGA which operates Workplace Solutions.

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

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

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	Item 1 - Confidential – Chief Executive Officer - New Contract of Employment.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Disclosure of interest affecting impartiality

Name/Position	Mr Mike Tidy - Director Corporate Services.
Item No./Subject	Item 1 - 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 Chief Executive Officer.

**ITEM 1 CONFIDENTIAL – CHIEF EXECUTIVE
 OFFICER - NEW CONTRACT OF
 EMPLOYMENT**

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	74574, 101515	
ATTACHMENT	Attachment 1	Draft new Employment Contract of the Chief Executive Officer for the City of Joondalup (with track changes and no schedules)
	Attachment 2	Adopted 2012-13 Key Performance Indicators with track changes showing proposed additions and deletions for 2013-14
	Attachment 3	Key Performance Indicators with 2013-14 additions and deletions accepted but format unchanged
	Attachment 4	Draft 2013-14 Key Performance Indicators in new format comprising Indicators, Measures and Deliverables
	Attachment 5	Draft New Employment Contract of the Chief Executive Officer for the City of Joondalup (with schedules)

(Please Note: These attachments are confidential and will appear in the official Minute Book only)

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.

VOTING REQUIREMENTS

Absolute Majority.

The Director Corporate Services, left the Room, the time being 5.30pm.

The Director Corporate Services and the Chief Executive Officer entered the Room, the time being 5.32pm. The Chief Executive Officer declared his interest.

The Chief Executive Officer left to Room, the time being 5.45pm.

OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES the Key Performance Indicators for 2013-14 as set out in Attachment 4 to this Report (marked Confidential);
- 2 BY AN ABSOLUTE MAJORITY is SATISFIED, in accordance with the requirements of section 5.36(2)(b) of the *Local Government Act 1995*, with the provisions of the new proposed Employment Contract of the Chief Executive Officer for the City of Joondalup as set out in Attachment 5 to this Report (marked Confidential) appended hereto in the official Minute Book;
- 3 RE-APPOINTS Garry George Hunt as Chief Executive Officer of the City of Joondalup on the Employment Contract of the Chief Executive Officer for the City of Joondalup referred to in Part 2 above for a term of four years commencing 26 June 2013;

- 4 AUTHORISES the Mayor and Director Corporate Services to prepare and execute the necessary documents to give effect to the re-appointment in Part 3 above.

MOVED Cr Chester, SECONDED Cr Fishwick that Council:

- 1 **APPROVES** the Key Performance Indicators for 2013-14 as set out in Attachment 4 to this Report (marked Confidential) as amended;
- 2 **BY AN ABSOLUTE MAJORITY is SATISFIED**, in accordance with the requirements of section 5.36(2)(b) of the *Local Government Act 1995*, with the provisions of the new proposed Employment Contract of the Chief Executive Officer for the City of Joondalup as set out in Attachment 5 to this Report (marked Confidential) appended hereto in the official Minute Book;
- 3 **RE-APPOINTS** Garry George Hunt as Chief Executive Officer of the City of Joondalup on the Employment Contract of the Chief Executive Officer for the City of Joondalup referred to in Part 2 above for a term of four years commencing 26 June 2013;
- 4 **AUTHORISES** the Mayor and Director Corporate Services to prepare and execute the necessary documents to give effect to the re-appointment in Part 3 above.

The Motion was Put and

CARRIED (6/0)

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

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	Item 2 - Confidential - Chief Executive Officer Annual Performance Review Program.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Disclosure of interests affecting impartiality

Name/Position	Mayor Troy Pickard
Item No./Subject	Item 2 - Confidential - Chief Executive Officer Annual Performance Review Program.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	President of WALGA which operates Workplace Solutions.

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

ITEM 2 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW PROGRAM

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	74574, 101515
ATTACHMENT	Attachment 1 Clauses 11 and 12.10 of the Employment Contract of the Chief Executive Officer for the City of Joondalup Attachment 2 Chief Executive Officer Performance Review – Timetable 2012 Attachment 3 Chief Executive Officer Key Performance Indicators 2012-13
	<i>(Please Note: These attachments are confidential and will appear in the official Minute Book only)</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.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Fishwick, SECONDED Cr Amphlett that the Chief Executive Officer – Performance Review Committee:

- 1 APPROVES the timetable for the performance review of the Chief Executive Officer and sets the date for the formal performance review interview as Monday 2 September 2013;**
- 2 REQUESTS Workplace Solutions (John Phillips) be appointed as the external and independent HR expert for the Chief Executive Officer Performance Review Committee to consult with and seek guidance from and to facilitate the review of the Chief Executive Officer's performance;**
- 3 NOTES that in a separate report on this agenda, the Chief Executive Officer Performance Review Committee will consider a recommendation proposing a new Employment Contract of the Chief Executive Officer for the City of Joondalup which will include new KPIs and there is therefore no requirement to set KPIs for 2013-14 as part of this performance review of the Chief Executive Officer;**
- 4 ENDORSES the process of undertaking the annual salary review at the same meeting as its consideration of the Concluded Annual Performance Review Report;**
- 5 BY AN ABSOLUTE MAJORITY REVOKES the meeting date from the decision of the Chief Executive Officer – Performance Review Committee made at its meeting held on 25 March 2013 (Item 1) as follows:**

“5.30pm on Tuesday, 25 June 2013”.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Fishwick, McLean 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 5.48pm; the following Committee Members being present at that time:

Mayor Troy Pickard
Cr Geoff Amphlett, JP
Cr John Chester
Cr Russ Fishwick, JP
Cr Tom McLean, JP
Cr Sam Thomas