

# minutes

**Chief Executive Officer**  
Performance Review Committee

MEETING HELD ON **TUESDAY 6 JUNE 2017**

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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 6 JUNE 2017.

#### ATTENDANCE

##### Committee Members

Cr Russ Fishwick, JP      *Presiding Member*  
Mayor Troy Pickard  
Cr Russell Poliwka  
Cr John Logan  
Cr Kerry Hollywood  
Cr Mike Norman      *Deputy Presiding Member*  
Cr Nige Jones

##### Officers

Mr Mike Tidy      Director Corporate Services  
Mr Brad Sillence      Manager Governance

#### DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.45pm.

#### DECLARATIONS OF INTEREST

##### Disclosures of Financial / 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.

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	Item 2 – Confidential - Chief Executive Officer Annual Performance Review Program 2017.
<b>Nature of interest</b>	Financial.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

### Disclosures 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.

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	Item 2 – Confidential - Chief Executive Officer Annual Performance Review Program 2017.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy’s employment relationship with the Chief Executive Officer.

### APOLOGIES/LEAVE OF ABSENCE

#### Leave of Absence previously approved

Cr Sophie Dwyer	1 July to 17 July 2017 inclusive;
Cr Hamilton-Prime	14 July to 21 August 2017 inclusive;
Cr Sophie Dwyer	23 September to 8 October 2017 inclusive.

### CONFIRMATION OF MINUTES

#### MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE HELD ON 5 SEPTEMBER 2016

**MOVED Mayor Pickard SECONDED Cr Poliwka that the minutes of the meeting of the Chief Executive Officer – Performance Review Committee held on 5 September 2016 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Cr Fishwick, Mayor Pickard, Crs Hollywood, Jones, Logan, Norman and Poliwka.

### ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting was not open to the public.

**PETITIONS AND DEPUTATIONS**

Nil.

## REPORTS

### **ITEM 1                    SETTING OF MEETING DATES - CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	02153, 74574
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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## PURPOSE

For the Chief Executive Officer – Performance Review Committee to consider the proposed schedule of committee meeting dates for 2017.

## 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 Chief Executive Officer – Performance Review Committee, ensuring synergy between meeting dates and the flow of information and decision-making.

It is recommended that the Chief Executive Officer – Performance Review Committee adopts the proposed 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.

## BACKGROUND

The Chief Executive Officer – Performance Review Committee was established at the Special Council meeting held on 3 November 2015 (JSC02-11/15 refers). The role of the Chief Executive Officer – Performance Review Committee is to:

- review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract
- prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to Council
- 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

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

The proposed 2017 schedule of Council meeting dates is based on the format used in recent years. That is, 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.

It is preferable to hold committee meetings in the first week of the month, thereby enabling committee recommendations to be listed in the Briefing Session agenda and subsequently the Council meeting agenda, however this may not always be possible due to other scheduled meetings.

## **DETAILS**

The Chief Executive Officer – Performance Review Committee oversees the development and review of the Chief Executive Officer's employment contract and all associated performance matters.

Meetings of this committee are aligned to the performance review process as outlined in the Chief Executive Officer's employment contract. It has been usual practice to hold a meeting earlier in the year to appoint an external and independent HR expert or similar to consult with and seek guidance from and to facilitate the review of the CEO's performance.

Further meetings are held during August/September to undertake the review. The performance review process requires the committee to conduct a formal interview with the Chief Executive Officer, (clause 11.2(b)). The process for conducting the Chief Executive Officer's performance review, as set out in clause 11.2, provides not only for the various tasks and issues that need to be considered but also specific timeframes.

The key element that drives all of the timeframes is the formal scheduled interview by the committee with the Chief Executive Officer. With this in mind the critical timeframes are:

- The Chief Executive Officer is to be given at least 25 working days notice of the scheduled interview.
- The Chief Executive Officer is required to prepare a self-evaluation report and submit it to all of the Elected Members as well the committee not less than 15 working days prior to the scheduled interview.
- The committee is required to invite written comments from all individual Elected Members addressing their views on the Chief Executive Officer's performance at least 15 working days prior to the scheduled interview and the responses which must be dated and signed must be received back by the committee at least five working days prior to the scheduled interview.
- The Committee must prepare a report within 30 days of the conclusion of the review.

- As soon as the report is completed the committee must provide a copy to the Chief Executive Officer and give him up to five working days to provide any written comments he may have on matters addressed in the report to the committee.
- The committee is required to submit its report and any comments of the Chief Executive Officer to the next meeting of Council provided Council receives it at least five working days prior to the meeting.

The proposed meeting day / date / times are as follows:

- Monday 21 August 2017, commencing at 5.45pm.
- Monday 28 August 2017, commencing at 5.45pm.
- Monday 4 September 2017, commencing at 5.45pm.

Dates for committee meetings have not been set beyond 2 October 2017 in view of the fact that the local government elections will be held on 21 October 2017. At that time all committees will disband and be re-established, if appropriate, following the holding of the elections.

### **Issues and options considered**

The Chief Executive Officer – 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.*  
*City of Joondalup Meeting Procedures Local Law 2013.*

### **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**

The proposed dates have been based on a bi-monthly meeting cycle, with meetings to be held in the first week of the month, thereby enabling flow-on reporting within Council's monthly meeting cycle. In addition, the proposed meeting dates for the Chief Executive Officer – Performance Review Committee are cognisant of proposed meeting dates for a variety of other committees.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hollywood SECONDED Cr Logan 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:**

<b>Chief Executive Officer – Performance Review Committee To be held in Conference Room 2</b>
<b>Monday 21 August 2017, commencing at 5.45pm.</b>
<b>Monday 28 August 2017, commencing at 5.45pm.</b>
<b>Monday 4 September 2017, commencing at 5.45pm.</b>

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Cr Fishwick, Mayor Pickard, Crs Hollywood, Jones, Logan, Norman and Poliwka.

**Disclosure of Financial Interest**

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	Item 2 – Confidential - Chief Executive Officer Annual Performance Review Program 2017.
<b>Nature of interest</b>	Financial.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	Item 2 – Confidential - Chief Executive Officer Annual Performance Review Program 2017.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy’s employment relationship with the Chief Executive Officer.

**ITEM 2                      CONFIDENTIAL - CHIEF EXECUTIVE OFFICER  
ANNUAL PERFORMANCE REVIEW PROGRAM 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	74574
<b>ATTACHMENT</b>	Attachment 1     Clauses 11 and 12.10 of the Chief Executive Officer’s Contract of Employment Attachment 2     Chief Executive Officer Performance Review – Timetable 2017 Attachment 3     Chief Executive Officer KPIs 2016-17  <i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

*a matter affecting an employee or employees.*

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

**MOVED Mayor Pickard SECONDED Cr Logan that the CEO Performance Review Committee:**

- 1 APPROVES the timetable for the performance review of the Chief Executive Officer as at Attachment 2 to this Report and sets the date for the formal performance review interview as Monday 28 August 2017;**
- 2 REQUESTS that the consultant 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 for 2017 be JCP Consulting (John Phillips);**
- 3 ENDORSES the process of seeking input into the CEO's KPIs from Elected Members at the same time as feedback is provided in relation to the CEO's performance review and that the review of the CEO's KPIs be undertaken at the interview with the CEO in relation to his annual performance;**
- 4 ENDORSES the process of undertaking the annual salary review at the same meeting as its consideration of the Concluded Annual Performance Review Report.**

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Cr Fishwick, Mayor Pickard, Crs Hollywood, Jones, Logan, Norman and Poliwka.

**URGENT BUSINESS**

Nil.

**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 5.52pm; the following Committee Members being present at that time:

Cr Russ Fishwick, JP  
Mayor Troy Pickard  
Cr Russell Poliwka  
Cr John Logan  
Cr Kerry Hollywood  
Cr Mike Norman  
Cr Nige Jones