

minutes

Chief Executive Officer
Performance Review Committee

MEETING HELD ON **MONDAY 6 MAY 2019**

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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 MONDAY 6 MAY 2019.

ATTENDANCE

Committee Members

Mayor Hon. Albert Jacob, JP	<i>Presiding Member</i>	
Cr John Chester		<i>from 5.46pm</i>
Cr Russ Fishwick, JP		
Cr Russell Poliwka	<i>Deputising for Cr May</i>	
Cr Tom McLean	<i>Deputy Presiding Member</i>	
Cr Mike Norman		<i>from 5.46pm</i>
Cr Philippa Taylor		<i>from 5.48pm</i>

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

Disclosure 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.

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	Item 2 – Confidential - Chief Executive Officer Annual Performance Review Program 2019.
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 2 – Confidential - Chief Executive Officer Annual Performance Review Program 2019.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

APOLOGIES / LEAVE OF ABSENCE

Apology:

Cr Christopher May.

Leave of Absence previously approved

Cr Nige Jones	5 to 10 May 2019 inclusive;
Cr Sophie Dwyer	5 to 12 May 2019 inclusive;
Cr Christine Hamilton-Prime	5 to 24 May 2019 inclusive;
Cr Sophie Dwyer	28 May to 3 June 2019 inclusive;
Cr John Logan	1 to 9 June 2019 inclusive;
Cr Sophie Dwyer	26 June to 31 July 2019 inclusive;
Cr Kerry Hollywood	23 July to 27 August 2019 inclusive.

CONFIRMATION OF MINUTES

Crs Chester and Norman entered the room at 5.46pm.

MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 4 SEPTEMBER 2018

MOVED Cr Fishwick, SECONDED Cr McLean that the minutes of the meeting of the Chief Executive Officer Performance Review Committee held on 4 September 2018 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, McLean, Norman, Poliwka and Taylor.

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

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	02153, 74574
ATTACHMENTS	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 Chief Executive Officer Performance Review Committee to consider the proposed schedule of committee meeting dates for 2019.

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 6 November 2017 (JSC03-11/17 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.

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. The process for conducting the Chief Executive Officer's performance review 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 26 August 2019, commencing at 5.45pm.
- Tuesday 3 September 2019, commencing at 5.45pm.
- Tuesday 24 September 2019, commencing at 5.45pm.

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 are based on the Chief Executive Officer Performance Review timetable that is proposed for 2019.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr McLean 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 To be held in Conference Room 2
Monday 26 August 2019, commencing at 5.45pm.
Tuesday 3 September 2019, commencing at 5.45pm.
Tuesday 24 September 2019, commencing at 5.45pm.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, McLean, Norman, Poliwka and Taylor.

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 2019.
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 2 – Confidential - Chief Executive Officer Annual Performance Review Program 2019.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	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 2019**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	74574
ATTACHMENTS	Attachment 1 Clauses 11 and 12.10 of the Chief Executive Officer's Contract of Employment Attachment 2 Chief Executive Officer Performance Review – Timetable 2019 Attachment 3 Chief Executive Officer KPIs 2018-19 <i>(Please Note: The Report and 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 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 Cr Fishwick, SECONDED Cr Norman that the Chief Executive Officer 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 Tuesday 3 September 2019;**
- 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 2019 be Learning Horizons (Helen Hardcastle);**
- 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: Mayor Jacob, Crs Chester, Fishwick, McLean, Norman, Poliwka and Taylor.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Cr Taylor entered the room at 5.48pm.

At the Chief Executive Officer Performance Review Committee meeting held on 4 September 2018, a report was requested to be prepared regarding an assessment and analysis of the relevant industry documentation in the review of future salary determinations for the Chief Executive Officer.

In view that the salary determinations are made by the Salaries and Allowances Tribunal, based on industry advice to the panel, the request for a report was withdrawn.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 5.53pm; the following Committee Members being present at that time:

Mayor Hon. Albert Jacob, JP
Cr John Chester
Cr Russ Fishwick, JP
Cr Tom McLean
Cr Mike Norman
Cr Russell Poliwka
Cr Philippa Taylor