

minutes

Chief Executive Officer Recruitment and Performance Review Committee

MEETING HELD ON TUESDAY 8 JUNE 2021

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

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Note:

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.

CITY OF JOONDALUP

MINUTES OF THE SPECIAL CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 8 JUNE 2021.

ATTENDANCE

Committee Members

Cr Russ Fishwick, JP	<i>Presiding Member</i>	
Mayor Hon. Albert Jacob, JP	<i>Deputy Presiding Member</i>	
Cr Russell Poliwka		<i>from 5.34pm</i>
Cr Kerry Hollywood		<i>from 5.31pm</i>
Cr Philippa Taylor		
Cr John Chester		
Cr John Raftis		<i>from 5.34pm</i>
Cr Tom McLean, JP	<i>Deputising for Cr Kerry Hollywood</i>	<i>until 5.31pm</i>

Observers

Cr Tom McLean, JP	<i>from 5.31pm</i>
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Officers

Mr James Pearson	Chief Executive Officer
Mr Mat Humfrey	Director Corporate Services
Mr Brad Sillence	Manager Governance
Mr Glenn Heaperman	Manager Human Resources

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

Prior to the opening of the Chief Executive Officer Recruitment and Performance Review Committee meeting, the Presiding Member acknowledged the traditional custodians of the land.

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.30pm.

DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosures of Financial Interest / Proximity Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Item No. / Subject	Item 1 - Chief Executive Officer Annual Performance Review Program 2021.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Disclosures of interest affecting Impartiality

Nil

APOLOGIES AND LEAVE OF ABSENCE

Apologies

Nil

Leave of Absence Previously Approved

Cr Nige Jones	8 June 2021.
Cr Christine Hamilton-Prime, JP	18 June to 3 July 2021 inclusive.
Cr John Logan	22 July to 8 August 2021 inclusive.

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

Cr Hollywood entered the meeting from 5.31pm.

REPORTS

Disclosures of Financial Interest / Proximity Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Item No. / Subject	Item 1 - Chief Executive Officer Annual Performance Review Program 2021.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

ITEM 1

CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW PROGRAM 2021

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBERS	74574, 101515
ATTACHMENTS	Attachment 1 Clauses 11 and 12.19-12.22 of the Chief Executive Officer's Contract of Employment Attachment 2 Chief Executive Officer Performance Review - Timetable 2021 Attachment 3 Chief Executive Officer KPIs 2021 Attachment 4 Draft RFQ for Consultancy Services to Support the Chief Executive Officer Recruitment and Performance Review Committee Attachment 5 City of Joondalup Model Standards for CEO Recruitment and Selection, Performance Review and Termination Attachment 6 DLGSCI Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination
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) 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 Hollywood, SECONDED Mayor Jacob that the Chief Executive Officer Recruitment and Performance Review Committee:

- 1 APPROVES the timetable for the performance review of the Chief Executive Officer as detailed in Attachment 2 of this Report, and sets the date for the formal performance review interview as 31 August 2021;**
- 2 NOTES the draft Request for Consultation for Consultancy Services to Support the Chief Executive Officer Recruitment and Performance Review as detailed in Attachment 4 to this Report, to meet the requirements of Clause 11.6 (a) of the Chief Executive Officer Employment Contract;**
- 3 ENDORSES the process of seeking input into the Chief Executive Officer’s Key Performance Indicators 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 Chief Executive Officer’s Key Performance Indicators be undertaken at the interview with the Chief Executive Officer 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 (5/0)

In favour of the Motion: Cr Fishwick, Mayor Jacob, Crs Chester, Hollywood and Taylor.

- 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 Recruitment and 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 (CEO) employment contract. It has been usual practice to hold a meeting earlier in the year to appoint an external and independent human resources (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 CEO.

The process for conducting the CEO'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 CEO. With this in mind the critical timeframes are as follows:

- The Annual Performance Review of the CEO's performance is to occur on or before 31 August each year, or as soon as possible thereafter, commencing in 2021.
- The CEO is to be given at least 25 working days' notice in writing of the scheduled interview.
- The CEO 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 CEO'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 CEO 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 CEO to the next meeting of Council provided Council receives it at least five working days prior to the meeting.

At the Council meeting held on 20 April 2021 (CJ056-04/21 refers) the *City of Joondalup Model Standards for CEO Recruitment and Selection, Performance Review and Termination* were adopted. The Standards were required to be adopted by Council in accordance with the *Local Government (Administration) Amendment Regulations 2021*. The Standards adopted align with the City's process for the CEO Performance Review.

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

- Monday 30 August 2021, commencing at 5.45pm, for the purpose of conducting the pre-interview annual performance review.
- Tuesday 31 August 2021, commencing at 5.45pm for the purpose of conducting the annual performance review interview.
- Tuesday 28 September 2021, commencing at 5.45pm, for the purpose of concluding the annual performance review.

A special meeting of the Committee will be required (July) to be held to review submissions 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.

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.
Local Government (Administration) Amendment Regulations 2021.
City of Joondalup Meeting Procedures Local Law 2013.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Not applicable.

Policy *City of Joondalup Model Standards for CEO Recruitment and Selection, Performance Review and Termination*

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 projected for 2021.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr Hollywood that the Chief Executive Officer Recruitment and Performance Review Committee ADOPTS the following meeting dates and times for the Chief Executive Officer Recruitment and Performance Review Committee of the City of Joondalup to be held in Conference Room 1 Joondalup Civic Centre, Boas Avenue, Joondalup:

- 1 Monday 30 August 2021, commencing at 5.45pm;**
- 2 Tuesday 31 August 2021, commencing at 5.45pm;**
- 3 Tuesday 28 September 2021, commencing at 5.45pm.**

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Fishwick, Mayor Jacob, Crs Chester, Hollywood and Taylor.

Crs Poliwka and Raftis entered the meeting room at 5.34pm.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 5.35pm the following Committee Members being present at that time:

CR RUSS FISHWICK, JP
MAYOR HON. ALBERT JACOB, JP
CR JOHN CHESTER
CR KERRY HOLLYWOOD
CR RUSSELL POLIWKA
CR JOHN RAFTIS
CR PHILIPPA TAYLOR