

minutes

Special Chief Executive Officer Recruitment and Performance Review Committee

MEETING HELD ON MONDAY 19 SEPTEMBER 2022

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.

This document is available in alternate formats upon request.

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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 MONDAY 19 SEPTEMBER 2022.

ATTENDANCE

Committee Members

Mayor Hon. Albert Jacob, JP *Presiding Member*
Cr Tom McLean, JP
Cr Daniel Kingston
Cr Christopher May *Deputy Presiding Member*
Cr Suzanne Thompson
Cr Christine Hamilton-Prime, JP
Cr John Chester

Observers:

Cr Russ Fishwick, JP
Cr John Logan
Cr Russell Poliwka
Cr John Raftis

Officers:

Mr James Pearson	Chief Executive Officer	<i>absent from 7.26pm to 7.45pm</i>
Mr Jamie Parry	Director Governance and Strategy	<i>absent from 7.26pm to 7.45pm</i>

Guests:

Ms Helen Hardcastle Learning Horizons

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

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

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 James Pearson, Chief Executive Officer.
Item No. / Subject	Item 2 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Name / Position	Mr James Pearson, Chief Executive Officer.
Item No. / Subject	Item 3 – Confidential - Salary Review – Chief Executive Officer.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Disclosure of interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) 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 their interest.

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Item No. / Subject	Item 2 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Parry’s employment relationship with the Chief Executive Officer.

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Item No. / Subject	Item 3 – Confidential - Salary Review – Chief Executive Officer.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Parry’s employment relationship with the Chief Executive Officer.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

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 is not open to the public.

PETITIONS AND DEPUTATIONS

Nil.

REPORTS

ITEM 1 CHANGE OF MEETING TIMES – CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	74574, 101515
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 Recruitment and Performance Review Committee (the Committee) to consider changing the date and start time for the Committee meeting scheduled for 28 November 2022.

EXECUTIVE SUMMARY

In order to assist with forward planning for all Elected Members, management and staff, a schedule of meeting dates/times for the Committee were presented and adopted by the Committee on 1 November 2021.

The dates and times determined were as follows:

- 1 Monday 29 November 2021, commencing at 5.45pm.
- 2 Monday 21 February 2022, commencing at 5.45pm.
- 3 Monday 23 May 2022, commencing at 5.45pm.
- 4 Monday 28 November 2022, commencing at 5.45pm.

At a recent Strategy Session there was discussion amongst Elected Members about changing the start times of Committee meetings to 6.00pm.

Further, at the Major Projects and Finance Committee meeting held on 26 July 2022 it was agreed that the meeting of 28 November 2022 be rescheduled to 6.00pm.

This allows little time to conduct the business of the Chief Executive Officer Recruitment and Performance Review Committee and as such a change of date and time is proposed.

BACKGROUND

The basis for this request is to allow those Elected Members who work full-time sufficient time to arrive at the meetings. It was noted that a start time of 5.45pm is difficult for some Elected Members to meet.

DETAILS

It is proposed that the date and start time for the Committee meeting scheduled on Monday 28 November 2022 be amended to 6.00pm on Tuesday 29 November 2022.

Issues and options considered

The Committee can choose to either:

- reschedule the Committee date and start time to 6.00pm on Tuesday 29 November 2022
- keep the Committee date and start time at 5.45pm on Monday 28 November 2022 or
- suggest an alternative start time.

Officers can support the change in date and start time to 6.00pm for the Committee meeting, noting that a Strategy Session is also scheduled to occur on Tuesday 29 November 2022 following the Committee meeting.

It is likely that the only matter to be considered by the Committee at its November meeting is the Chief Executive Officer quarterly update on KPIs for 2022-23.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Administration) Regulations 1996.
 City of Joondalup Meeting Procedures Local Law 2013.

10-Year Strategic Community Plan

Key theme Leadership.

Outcome Capable and effective – you have an informed and capable Council backed by a highly-skilled workforce.

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 current committee meeting dates and times, as adopted by the Chief Executive Officer Recruitment and Performance Review Committee, can be amended however, consideration should be given to the calendar of meetings for all other Council/Committee meetings.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr May that the date and start time for the Chief Executive Officer Recruitment and Performance Review Committee meeting scheduled for Monday 28 November 2022 be AMENDED to 6.00pm on Tuesday 29 November 2022.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Hamilton-Prime, Kingston, May, McLean and Thompson.

Disclosure of Financial Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Item No. / Subject	Item 2 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Disclosure of interest affecting Impartiality

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Item No. / Subject	Item 2 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Parry’s employment relationship with the Chief Executive Officer.

ITEM 2 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	74574, 108783
ATTACHMENTS	Attachment 1 Chief Executive Officer Confidential Concluded Annual Performance Review Report. Attachment 2 Chief Executive Officer KPI’s for 2022-23 Attachment 3 Clauses 11-13 CEO Employment Contract (Please Note: <i>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) *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 May, SECONDED Cr Hamilton-Prime that Council:

- 1 ADOPTS the Chief Executive Officer Recruitment and Performance Review Committee’s Confidential Concluded Annual Performance Review Report as in Attachment 1 to this Report and endorses the overall rating of “met or exceeded the performance requirements” set by Council for the period ending 30 June 2022;**
- 2 ADOPTS the Key Performance Indicators for the 2022-23 review period as detailed in Attachment 2 to this Report.**

AMENDMENT MOVED Cr Kingston, SECONDED Cr Thompson that Part 2 of the Motion be AMENDED to read as follows:

“2 ADOPTS the Key Performance Indicators for the 2022-23 review period as detailed in Attachment 2 to this Report, subject to the inclusion of the following Key Performance Indicator:

Corporate Business Plan Theme	Key Performance Area	Deliverable	S.M.A.R.T. GOAL
LEADERSHIP	Financial Management	1. Developing effectiveness and efficiency indicators and measures of those indicators, that span the services and operations of the organisation. a. effectiveness indicators defined as indicators that help determine if desired outcomes have been achieved through service delivery, and b. efficiency indicators defined as indicators that monitor the relationship between the services delivered and the resources used to produce the service.	The CEO present to Council for discussion and review of <i>effectiveness</i> and <i>efficiency</i> indicators and measures of those indicators, for the services and operations of the City.

The Amendment was Put and

LOST (2/5)

In favour of the Amendment: Crs Chester and Kingston.

Against the Amendment: Mayor Jacob, Crs Hamilton-Prime, May, McLean and Thompson.

AMENDMENT MOVED Cr Thompson, SECONDED Cr Hamilton-Prime that a new Part be ADDED to the Motion to read as follows:

“3 REQUESTS the Chief Executive Officer prepare a report on the potential development of efficiency and effectiveness measures for the City of Joondalup services.”

The Amendment was Put and

CARRIED (7/0)

In favour of the Amendment: Mayor Jacob, Crs Chester, Hamilton-Prime, Kingston, May, McLean and Thompson.

The Original Motion as amended, being:

That Council:

- 1 ADOPTS the Chief Executive Officer Recruitment and Performance Review Committee's Confidential Concluded Annual Performance Review Report as in Attachment 1 to this Report and endorses the overall rating of "met or exceeded the performance requirements" set by Council for the period ending 30 June 2022;**
- 2 ADOPTS the Key Performance Indicators for the 2022-23 review period as detailed in Attachment 2 to this Report;**
- 3 REQUESTS the Chief Executive Officer prepare a report on the potential development of efficiency and effectiveness measures for the City of Joondalup services.**

Was Put and

CARRIED (6/1)

In favour of the Motion: Mayor Jacob, Crs Chester, Hamilton-Prime, May, McLean and Thompson.

Against the Motion: Cr Kingston.

The Chief Executive Officer and Director Governance and Strategy left the Room at 7.26pm.

Disclosure of Financial Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Item No. / Subject	Item 3 – Confidential - Salary Review – Chief Executive Officer.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Disclosure of interest affecting Impartiality

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Item No. / Subject	Item 3 – Confidential - Salary Review – Chief Executive Officer.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Parry’s employment relationship with the Chief Executive Officer.

ITEM 3 CONFIDENTIAL - SALARY REVIEW – CHIEF EXECUTIVE OFFICER

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	74574, 108783
ATTACHMENTS	Attachment 1 2022 Salaries and Allowances Tribunal determination (distributed under separate cover) <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) *a matter affecting an employee or employees.*

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

OFFICER'S RECOMMENDATION

That Council:

- 1 ACKNOWLEDGES that the Salaries and Allowances Tribunal has determined (7 April 2022) that the Local Government Band Classifications have been increased by 2.5% effective from 1 July 2022;
- 2 CONSIDERS the Chief Executive Officer's total reward package for the 2022 salary review (to be determined by the Committee).

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:

- 1 **ACKNOWLEDGES that the Salaries and Allowances Tribunal has determined (7 April 2022) that the Local Government Band Classifications have been increased by 2.5% effective from 1 July 2022;**
- 2 **ADOPTS the Chief Executive Officer's total reward package for the 2022 salary review to be an increase of 5.7% being \$381,107 effective from 1 July 2022.**

The Motion was Put and

CARRIED (4/3)

In favour of the Motion: Mayor Jacob, Crs Hamilton-Prime, May and McLean.

Against the Motion: Crs Chester, Kingston and Thompson.

The Chief Executive Officer and Director Governance and Strategy entered the Room at 7.45pm.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.46pm the following Committee Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR TOM MCLEAN, JP
CR DANIEL KINGSTON
CR CHRISTOPHER MAY
CR SUZANNE THOMPSON
CR CHRISTINE HAMILTON-PRIME, JP
CR JOHN CHESTER