

minutes

Chief Executive Officer Recruitment and Performance Review Committee

A COMMITTEE MEETING WILL BE HELD IN CONFERENCE ROOM 1,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON TUESDAY 29 NOVEMBER 2022

COMMENCING AT 6.00pm

JAMES PEARSON
Chief Executive Officer
2 December 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.

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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 CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 29 NOVEMBER 2022.

ATTENDANCE

Committee Members

Mayor Hon. Albert Jacob, JP	<i>Presiding Member</i>	
Cr Tom McLean, JP		
Cr Daniel Kingston		
Cr John Raftis	<i>Deputised for Cr Hamilton-Prime</i>	
Cr Christopher May		<i>from 6.15pm</i>
Cr Suzanne Thompson		
Cr John Chester		

Observers

Cr Russ Fishwick, JP		
Cr Adrian Hill		
Cr Russell Poliwka		<i>from 6.06pm</i>

Officers

Mr James Pearson	Chief Executive Officer
Mrs Kylie Bergmann	Acting Director Governance and Strategy
Mrs Vivienne Stampalija	Acting Manager Governance

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

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

Disclosures of Financial Interest / 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 James Pearson, Chief Executive Officer.
Item No. / Subject	Item 2 - Progress Report – Chief Executive Officer Performance Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson is employed full time as the Chief Executive Officer.

APOLOGIES AND LEAVE OF ABSENCE

Apologies

Nil.

Leave of Absence Previously Approved

Cr Christine Hamilton-Prime	17 November to 1 December 2022 inclusive.
Cr Nige Jones	29 November to 6 December 2022 inclusive.
Cr Christine Hamilton-Prime	7 December to 31 December 2022 inclusive.
Cr Russ Fishwick	8 December to 31 December 2022 inclusive.
Cr John Raftis	19 December to 31 December 2022 inclusive.
Cr Christopher May	21 December 2022 to 6 January 2023 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF THE CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE

MOVED Cr Thompson, **SECONDED** Cr McLean that the minutes of the following Committee meetings be confirmed as a true and correct record:

- 1 Chief Executive Officer Recruitment and Performance Review Committee held on 23 May 2022;**
- 2 Special Chief Executive Officer Recruitment and Performance Review Committee held on 28 June 2022;**
- 3 Special Chief Executive Officer Recruitment and Performance Review Committee held on 29 August 2022;**
- 4 Special Chief Executive Officer Recruitment and Performance Review Committee held on 30 August 2022;**
- 5 Special Chief Executive Officer Recruitment and Performance Review Committee held on 19 September 2022.**

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Kingston, McLean, Raftis, and Thompson.

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 **SETTING OF MEETING DATES 2023 – CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	02153, 101515
ATTACHMENTS	Attachment 1 Proposed Meeting Dates 2023
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 (CEO) Recruitment and Performance Review Committee to consider the proposed schedule of committee meeting dates for 2023.

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 CEO Recruitment and Performance Review Committee, ensuring synergy between meeting dates and the flow of information and decision-making.

It is recommended that the CEO Recruitment and Performance Review Committee adopts the meeting dates and times for the CEO Recruitment and Performance Review Committee of the City of Joondalup to be held at the Joondalup Civic Centre (Conference Room 1), Boas Avenue, Joondalup.

BACKGROUND

The CEO Recruitment and Performance Review Committee was established at the Special Council meeting held on 1 November 2021 (JSC02-11/21 refers). The role of the CEO Recruitment and Performance Review Committee is as follows:

- Recommend to Council the selection and appointment process of a CEO.
- Recommend to Council the preferred consultant to assist with the recruitment process for a CEO.
- Undertake the interview of preferred applicant(s) on the advice of the appointed consultant's shortlisted applicants for the position of CEO.

- Recommend to Council the appointment of a preferred applicant as CEO under the terms and conditions of an agreed CEO Employment Contract.
- Review the CEO’s performance in accordance with the appropriate provisions contained within the CEO’s Employment Contract.
- Prepare and table the concluded report, in accordance with the appropriate provisions within the CEO’s Employment Contract to Council.
- Review the CEO’s performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the CEO’s Employment Contract.
- Review the Key Performance Indicators to be met by the CEO.
- Review the CEO’s remuneration package, in accordance with the appropriate provisions within the CEO’s Employment Contract.
- Review the CEO’s Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.

The proposed schedule of Council meeting dates is based on a revised monthly meeting format recently adopted by Council with Strategy Sessions held on the first Tuesday of each month, Briefing Sessions held on the second Tuesday and Council Meetings on the fourth Tuesday.

This enables committee meetings to be scheduled on the Monday, or Wednesday of weeks one, two, three or four so as to minimise potential conflicts with other Council activities. Due to the alignment of the CEO’s Key Performance Indicators with the reporting of the *Corporate Business Plan* progress report, meetings of the CEO Recruitment and Performance Review Committee will generally be held in the fourth and fifth weeks of the respective months.

DETAILS

The CEO Recruitment and Performance Review Committee oversees the development and review of the CEO’s employment contract and all associated performance matters.

The CEO’s Key Performance Indicators adopted by Council at its meeting held on 18 October 2022 (CJ181-10/22 refers) have been aligned with the City’s *Corporate Business Plan* (CBP). The CBP progress report is provided to Council on a quarterly basis, the quarterly meetings of this committee are aligned with Council’s acceptance of the quarterly CBP progress report in the following periods:

Quarter Meeting	Period	Council Meeting	Committee
One	July / September	November	November
Two	October / December	February	March
Three	January / March	May	May
Four	April / June	August	August

In addition, meetings of this committee are aligned to the performance review process as outlined in the CEO’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 annual review of the CEO’s performance.

Further special committee meetings will be determined for the purpose of undertaking the CEO’s Annual Performance review. The annual review process requires the committee to conduct a formal interview with the CEO, (clause 11.2(b)). The process for conducting the CEO’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 for the annual CEO performance review that drives the timeframes is the formal scheduled interview by the committee with the CEO. With this in mind the critical timeframes for the annual review are as follows:

- The CEO is to be given at least 25 working days notice 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.

The proposed quarterly committee meeting dates for 2023 are as follows:

- Monday 13 March 2023, commencing at 6.00pm.
- Monday 29 May 2023 commencing at 6.00pm.

In addition, further special committee meetings will be determined for the purpose of undertaking the CEO's annual performance review. It is anticipated that these meetings will be held on the following dates, which will be confirmed with the Presiding Member closer to the date.

- Monday 26 June 2023 commencing at 6.00pm. (To appoint HR consultant)
- Monday 28 August 2023 commencing at 6.00pm (Pre-interview report)
- Tuesday 29 August 2023, commencing at 6.00pm (Interview)
- Monday 18 September 2023, commencing at 6.00pm (To adopt the review and KPIs)

Issues and options considered

The CEO Recruitment and 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.
 Local Government Legislation Amendment Act 2019.

10-Year Strategic Community Plan

Goals	Leadership.
Outcomes	Capable and effective – you have an informed and capable Council backed by a highly-skilled workforce.
Policy	City of Joondalup Standards for CEO Recruitment, Performance 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 committee meeting dates align with the quarterly Corporate Business Plan reporting being considered by Council as many of the CEO's Key Performance Indicators are contained within the Corporate Business Plan. In addition, further special committee meetings will be determined for the purpose of undertaking the CEO's annual performance review.

The proposed meeting dates for the CEO Recruitment and Performance Review Committee are cognisant of proposed meeting dates for a variety of other committees.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Thompson, SECONDED Cr Kingston 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 at the Joondalup Civic Centre (Conference Room 1), Boas Avenue, Joondalup:

- 1 Monday 13 March 2023, commencing at 6.00pm;**
- 2 Monday 29 May 2023, commencing at 6.00pm.**

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Kingston, McLean, Raftis, and Thompson.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1CEO 221129.pdf](#)

Disclosure of Financial Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Item No. / Subject	Item 2 - Progress Report – Chief Executive Officer Performance Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson is employed full time as the Chief Executive Officer.

ITEM 2 PROGRESS REPORT – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	74574, 101515
ATTACHMENTS	Attachment 1 Confidential – CEO KPI's Progress Report Quarter One <i>(Please Note: Attachment 1 is Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For the Chief Executive Officer Recruitment and Performance Review Committee to receive the progress report on the Chief Executive Officer's Key Performance Indicators (CEO KPIs) for 2022-23 (Quarter One) and provide feedback.

EXECUTIVE SUMMARY

The 2022-23 Quarter One progress report provides information relating to the progress of the CEO KPIs for the period 1 July 2022 to 30 September 2022.

It is therefore recommended that the Chief Executive Officer Performance and Review Committee NOTES the progress towards the Key Performance Indicators for the Chief Executive Officer for the period 1 July 2022 to 30 September 2022.

BACKGROUND

At the Chief Executive Officer Recruitment and Performance Review Committee (the Committee) meeting held on 19 September 2022 the following was resolved:

“That Council:

- 1 *ADOPTS the Chief Executive Officer Recruitment and Performance Review Committee’s Confidential Concluded Annual Performance Review Report as an Attachment 1 to Report CJ181-10/22 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 Report CJ181-10/22;*
- 3 *REQUESTS the Chief Executive Officer prepare a report on the potential development of efficiency and effectiveness measures for the City of Joondalup services.”*

At this meeting, the Chief Executive Officer outlined his commitment to providing quarterly progress reports to the Committee towards achieving the KPIs.

At the Council meeting held on 18 October 2022 the Key Performance Indicators for the Chief Executive Officer for 2022-2023 were adopted (CJ181-10/22 refers).

DETAILS

The Committee is responsible for reviewing 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; as well as reviewing the key performance indicators to be met by the Chief Executive Officer.

The 2022-2023 Quarter One progress report provides information relating to the progress of the CEO KPIs for the period 1 July 2022 to 30 September 2022 (Attachment 1 refers).

Legislation / Strategic Community Plan / Policy implications

Legislation	Section 5.38 (1) and (3) of the <i>Local Government Act 1995</i> . <i>“Annual review of employees’ performances</i> (1) <i>A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.</i> (3) <i>A review under subsection (1) must be conducted at least once in relation to each year of the person’s employment”.</i>
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Strategic Community Plan

Key theme	Leadership.
Outcome	Capable and effective - you have an informed and capable Council backed by a highly skilled workforce.
Policy	<i>City of Joondalup Standards for CEO Recruitment, Performance and Termination.</i>

Risk management considerations

The performance review process is designed to evaluate and assess the Chief Executive Officers Performance against KPIs on a periodic basis.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The 2022-23 Quarter One progress report provides information relating to the progress of the CEO KPIs adopted at the Council meeting held on 18 October 2022.

Cr Poliwka entered the room at 6.06pm.

Cr May entered the room at 6.15pm

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Thompson, **SECONDED** Cr May that the Chief Executive Officer Recruitment and Performance Review Committee **NOTES** the progress towards the Key Performance Indicators for the Chief Executive Officer for the period 1 July 2022 to 30 September 2022.

The Motion was Put and

CARRIED (7/0)

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

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 6.28 pm the following Committee Members being present at that time:

MAYOR HON ALBERT JACOB, JP
CR TOM MCLEAN
CR DANIEL KINGSTON
CR CHRISTOPHER MAY
CR SUZANNE THOMPSON
CR JOHN RAFTIS
CR JOHN CHESTER