

minutes

Special Chief Executive Officer Recruitment and Performance Review Committee

MEETING HELD ON

MONDAY 28 AUGUST 2023

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 MONDAY 28 AUGUST 2023.

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 John Raftis

Officers

Mr Jamie Parry Director Governance and Strategy *absent from 6.02pm to 6.41pm*

Guest

Mrs Helen Hardcastle Director, Learning Horizons

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

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

2.1 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.
Meeting Type	Special Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	28 August 2023.
Item No. / Subject	Item 8.1 – Confidential – Chief Executive Officer Annual Performance Review Pre-Interview Report.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

2.2 DISCLOSURES 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.
Meeting Type	Special Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	28 August 2023.
Item No. / Subject	Item 8.1 – Confidential – Chief Executive Officer Annual Performance Review Pre-Interview Report.
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.

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr John Raftis	29 August to 2 September 2023 inclusive.
Cr Russ Fishwick	12 to 18 September 2023 inclusive.
Cr Christine Hamilton-Prime	20 September to 16 October 2023 inclusive.
Cr. John Logan	23 September to 1 October 2023 inclusive.

4 CONFIRMATION OF MINUTES

Nil.

5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

6 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.

7 PETITIONS AND DEPUTATIONS

Nil.

8 REPORTS

2.1 DISCLOSURE OF FINANCIAL INTEREST

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Special Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	28 August 2023.
Item No. / Subject	Item 8.1 – Confidential – Chief Executive Officer Annual Performance Review Pre-Interview Report.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

2.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Meeting Type	Special Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	28 August 2023.
Item No. / Subject	Item 8.1 – Confidential – Chief Executive Officer Annual Performance Review Pre-Interview Report.
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.

8.1 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW PRE-INTERVIEW REPORT

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	74574, 101515
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.

OFFICER'S RECOMMENDATION

That the Chief Executive Officer Recruitment and Performance Review Committee:

- 1 NOTES that the requirements of clause 11.4 of the Chief Executive Officer's Employment Contract have been met, in relation to the Chief Executive Officer completing a self-evaluation report assessing his performance against the prescribed Key Performance Indicators;
- 2 RECEIVES the Chief Executive Officer's Self Evaluation Report on his performance as per Attachment 2 to this Report;
- 3 NOTES that the requirements of clause 11.6(b) of the Chief Executive Officer's Employment Contract have been met, in relation to inviting all Elected Members to make written comments on the Chief Executive Officer's performance;
- 4 RECEIVES the Consultant's Report on Elected Member Feedback as per Attachment 1 to this Report;
- 5 ENDORSES the revised draft 2023-24 Key Performance Indicators for the Chief Executive Officer as discussed at the Chief Executive Officer Recruitment and Performance Review Committee at its meeting held on 28 August 2023, for consideration and discussion with the Chief Executive Officer at the Chief Executive Officer Performance Interview to be held 29 August 2023.

The Director Governance and Strategy left the Room at 6.02pm and returned at 6.41pm.

ALTERNATE MOVED Cr Kingston, SECONDED Cr Thompson that the Chief Executive Officer Recruitment and Performance Review Committee RESOLVES that the item be REFERRED BACK to the Chief Executive Officer to make available to the Committee the written comments of Elected Members relating to the 2022-23 Chief Executive Officer Performance Review, subject to Elected Members being granted the opportunity to request redaction of information that might be considered to be of a personal or identifying nature.

The Alternate Motion was Put and

CARRIED (4/3)

In favour of the Alternate Motion: Mayor Jacob, Cr Chester, Cr Kingston and Cr Thompson.

Against the Alternate Motion: Cr Hamilton-Prime, Cr May and Cr McLean.

9 URGENT BUSINESS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Cr Fishwick and Cr Kingston requested reports be provided on:

- 1 What is considered to be the best practice process for conducting a Chief Executive Officer performance review.
- 2 Legal advice on whether clause 11 provisions of the Chief Executive Officer Employment Contract is considered to meet best practice.

12 CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.56pm the following Committee Members being present at that time:

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