

minutes

Special Chief Executive Officer Recruitment and Performance Review Committee

MEETING HELD ON

MONDAY 6 NOVEMBER 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 AUDIT AND RISK COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 6 NOVEMBER 2023.

ATTENDANCE

Committee Members:

Mayor Hon. Albert Jacob, JP	<i>Presiding Member</i>
Cr Christopher May, JP	<i>Deputy Presiding Member</i>
Cr Adrian Hill	
Cr Nige Jones	
Cr Russ Fishwick, JP	
Cr John Chester	
Cr Christine Hamilton-Prime, JP	

Observers:

Cr Lewis Hutton
Cr Daniel Kingston
Cr Rohan O'Neill
Cr Rebecca Pizzey
Cr Phillip Vinciullo

Officers:

Mr James Pearson	Chief Executive Officer
Mr Jamie Parry	Director Governance and Strategy
Mr Nico Claassen	Director Infrastructure Services
Mr Mat Humfrey	Director Corporate Services
Mr Chris Leigh	Director Planning and Community Development
Mrs Kylie Bergmann	Manager Governance
Mrs Vivienne Stampalija	Governance Coordinator
Mrs Deborah Gouges	Senior Governance Officer
Mrs Avril Schadendorf	Governance Officer
Mrs Susan Hateley	Governance Officer

1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 8.16pm.

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

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 James Pearson
Meeting Type	Special Chief Executive Officer Recruitment and Performance Review Committee
Meeting Date	6 November 2023
Item No. / Subject	Item 9.1 – Setting of Meeting Dates – Chief Executive Officer Recruitment and Performance Review Committee
Nature of Interest	Impartiality
Extent of Interest	Mr James Pearson holds the position of Chief Executive Officer.

3 ELECTION OF PRESIDING MEMBER

Section 5.12 of the *Local Government Act 1995* (the Act) requires a committee appointed by a local government, to appoint a Presiding Member as the first item of business at its first meeting. Schedule 2.3 of the Act requires the Chief Executive Officer to preside.

Cr Adrian Hill nominated Hon. Mayor Albert Jacob for the position of Presiding Member. Mayor Jacob accepted the nomination.

There being no further nominations at the close of the Election for Presiding Member, Hon. Mayor Albert Jacob was declared elected unopposed to the position of Presiding Member and assumed the Chair at 8.17pm.

4 ELECTION OF DEPUTY PRESIDING MEMBER

It is open for the Committee to elect a Deputy Presiding Member, who would chair the meeting in the absence of the Presiding Member. Alternatively, if the Presiding Member is unavailable to chair the meeting and no Deputy Presiding Member has been appointed, in accordance with Section 5.14 of the Act, the Committee Members present at the meeting may choose one of themselves to preside over the meeting.

Cr Adrian Hill nominated Cr Christopher May for the position of Deputy Presiding Member. Cr May accepted the nomination.

There being no further nominations at the close of the Election for Deputy Presiding Member, Cr Christopher May was declared elected unopposed to the position of Deputy Presiding Member.

5 APOLOGIES AND LEAVE OF ABSENCE

5.1 APOLOGIES

Cr John Raftis

6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

7 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.

8 PETITIONS AND DEPUTATIONS

Nil.

9 REPORTS

9.1 SETTING OF MEETING DATES - CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	02153, 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.

PURPOSE

For the Chief Executive Officer (CEO) Recruitment and Performance Review Committee to consider the setting of committee meeting dates for 2023-24.

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.

The setting of the 2024 Council meeting dates is scheduled to be presented at the Council meeting to be held on 28 November 2023. This report will provide Elected Members with two alternative meeting cycle options for their consideration, which may impact on the timing for committee meeting dates.

For this reason, only the first committee meeting date for 2024 is proposed to be set for the committee's consideration. A further report will be presented to the first committee meeting to be held in 2024, to set the remainder of committee dates for 2024.

No ordinary meetings are proposed to be scheduled in November/December 2023 as this meeting is normally conducted for the consideration of the CEO's KPI quarterly update however, the Committee has not yet recommended adoption of the CEO's KPIs for 2023-24.

It is proposed that special committee meetings be held in November/December 2023 to consider the:

- 1 CEO Concluded Annual Performance Review; and
- 2 Salary Review of the CEO.

These meeting dates will be determined in consultation with the Presiding Member of the Committee.

It is therefore recommended that the Chief Executive Officer Recruitment and Performance Review Committee:

- 1 *ADOPTS the following meeting date and time 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:*
 - 1.1 *Monday, 18 March 2024, commencing at 6.00pm;*
- 2 *NOTES that special meetings of the Chief Executive Officer Recruitment and Performance Review Committee will be called in November/December 2023 to consider the following reports:*
 - 2.1 *CEO concluded Annual Performance Review;*
 - 2.2 *Salary Review - CEO*
- 3 *NOTES that a further report will be presented to the first Chief Executive Officer Recruitment and Performance Review Committee meeting in 2024, to set the remainder of committee meeting dates for 2024.*

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 to:

- 1 recommend to Council the selection and appointment process of a Chief Executive Officer;
- 2 recommend to Council the preferred consultant to assist with the recruitment process for a Chief Executive Officer;
- 3 undertake the interview of preferred applicant(s) on the advice of the appointment consultant's shortlisted applicants for the position of Chief Executive Officer;
- 4 recommend to Council the appointment of a preferred applicant as Chief Executive Officer under the terms and conditions of an agreed Chief Executive Officer Employment Contract;
- 5 review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;
- 6 prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to Council;
- 7 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;
- 8 review the Key Performance Indicators to be met by the Chief Executive Officer;
- 9 review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;
- 10 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 CEO Recruitment and Performance Review Committee oversees the development and review of the CEO's employment contract and all associated performance matters.

The Chief Executive Officer's Key Performance Indicators are 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	Period	Council Meeting	Committee Meeting
One	July / September	November	November
Two	October / December	February	February
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 Chief Executive Officer'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 setting of the 2024 Council meeting dates is scheduled to be presented at the Council meeting to be held on 28 November 2023. This report will provide Council with two alternative meeting cycle options for their consideration, which may impact on the timing of committee meeting dates.

It is therefore recommended that the Committee set the dates for the remainder of 2023, and the first committee meeting date for 2024. A further report will be presented to the first committee meeting of 2024 to set the remainder of committee meeting dates for 2024.

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 *City of Joondalup Meeting Procedures Local Law 2013.*
Local Government (Administration) Regulations 1996.
Local Government Act 1995.
Local Government Legislation Amendment Act 2019.

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 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 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.

OFFICER'S RECOMMENDATION MOVED Cr Hamilton-Prime, SECONDED Cr Chester that the Chief Executive Officer Recruitment and Performance Review Committee:

- 1 ADOPTS the following meeting date and time 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:**
 - 1.1 Monday, 18 March 2024, commencing at 6.00pm;**
- 2 NOTES that special meetings of the Chief Executive Officer Recruitment and Performance Review Committee will be called in November/December 2023 to consider the following reports:**
 - 2.1 CEO concluded Annual Performance Review;**
 - 2.2 Salary Review – CEO;**
- 3 NOTES that a further report will be presented to the first Chief Executive Officer Recruitment and Performance Review Committee meeting in 2024, to set the remainder of committee meeting dates for 2024.**

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Mayor Jacob, Cr May, Cr Chester, Cr Fishwick, Cr Hamilton-Prime, Cr Hill and Cr Jones.
Against the Motion: Nil.

ATTACHMENTS

Nil

10 CLOSURE

There being no further business, the Presiding Member declared the Meeting closed at 8.19pm the following Committee Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR CHRISTOPHER MAY, JP
CR ADRIAN HILL
CR NIGE JONES
CR RUSS FISHWICK, JP
CR JOHN CHESTER
CR CHRISTINE HAMILTON-PRIME, JP