

minutes

Chief Executive Officer Recruitment and Performance Review Committee

MEETING HELD ON

TUESDAY 21 MAY 2024

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 21 MAY 2024.

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		<i>from 6.19pm</i>
Cr Phillip Vinciullo	<i>deputising for Cr Christine Hamilton-Prime</i>	

Officers:

Mr James Pearson	Chief Executive Officer
Mr Jamie Parry	Director Governance and Strategy

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.01pm.

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	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	21 May 2024.
Item No. / Subject	8.1 – Progress Report – Chief Executive Officer Performance Review.
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	Mayor Albert Jacob, JP
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	21 May 2024.
Item No. / Subject	8.3 - Confidential - Consultant to Support Chief Executive Officer Recruitment and Performance Review Committee.
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the consultants is known to Mayor Jacob.

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Adrian Hill 28 June to 15 July 2024 inclusive.

3.2 APOLOGIES

Cr John Chester.
Cr Christine Hamilton-Prime, JP.

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE HELD ON 29 MAY 2023 AND 3 APRIL 2024.

MOVED Cr May, **SECONDED** Mayor Jacob that the Minutes of the following meetings of the Chief Executive Officer Recruitment and Performance Review Committee be **CONFIRMED** as a true and correct record:

- 1 Chief Executive Officer Recruitment and Performance Review Committee meeting held on 29 May 2023;**
- 2 Chief Executive Officer Recruitment and Performance Review Committee meeting held on 3 April 2024.**

The Motion was Put and **CARRIED (5/0)**

In favour of the Motion: Mayor Jacob, Cr Hill, Cr May, Cr Jones and Cr Vinciullo.
Against the Motion: 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 DISCLOSURES OF FINANCIAL INTEREST / PROXIMITY INTEREST

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	21 May 2024.
Item No. / Subject	8.1 – Progress Report – Chief Executive Officer Performance Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

8.1 PROGRESS REPORT – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	74574, 101515
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 (the Committee) to receive the progress report on the Chief Executive Officer’s Key Performance Indicators (CEO KPIs) for 2023-24 (Quarter Three) and provide feedback.

EXECUTIVE SUMMARY

The 2023-24 Quarter Three progress report provides information relating to the progress of the CEO KPIs for the period 1 January 2024 to 31 March 2024.

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 January 2024 to 31 March 2024.

BACKGROUND

Following the special Committee meeting held on 27 November 2023, Council resolved at its meeting held on 12 December 2023, by an absolute majority that Council:

- “1 *ENDORSES the Chief Executive Officer Recruitment and Performance Review Committee’s Confidential Concluded Annual Performance Review Report as in Attachment 1 to this Report and the overall rating of “met the performance requirements set by Council for the period ending 30 June 2023”;*
- 2 *ADOPTS the Key Performance Indicators for the 2023-24 review period as detailed in Attachment 2 to this Report.”*

DETAILS

The Committee is responsible for reviewing the Chief Executive Officer’s (CEO) performance on an on-going basis, as and when deemed necessary, in accordance with the appropriate provisions contained within the CEO’s employment contract; as well as reviewing the key performance indicators to be met by the CEO.

The CEO KPIs for 2023-24 were adopted by Council at its meeting held on 12 December 2023; towards the end of Quarter 2 for the year.

At its meeting of 3 April 2024, the CEO Recruitment and Performance Review Committee noted the 2023-24 Quarter One and Two progress report relating to the progress of the CEO KPIs for the period 1 July 2023 to 31 December 2023.

The 2023-24 Quarter Three progress report provides information relating to the progress of the CEO KPIs for the period 1 January 2024 to 31 March 2024 (Attachment 1 refers).

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

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

Risk management considerations

The performance review process is designed to evaluate and assess the CEO’s performance against KPIs periodically.

Financial / budget implications

Preparing progress reports of the CEO KPIs is done using existing budgeted resources.

Regional significance

Ensuring effective and consistent reporting of the CEO KPIs and submitting them to the Committee and Council, provides oversight which enhances the City's capability to deliver services to the district, and beyond, as relevant.

Sustainability implications

Effective and consistent reporting of the CEO KPIs enhances the sustainability of the City's operations. Being accountable and transparent is part of the goals of the City's *Strategic Community Plan*.

Consultation

Not applicable.

COMMENT

Some CEO KPIs refer to reporting information to elected members, which has not been possible on some occasions, due to the adoption of the CEO KPIs in December 2023.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr May, SECONDED Cr Hill 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 January 2024 to 31 March 2024.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Mayor Jacob, Cr Hill, Cr May, Cr Jones and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - CEO KPI Progress Report Q 3 2023-24 [8.1.1 - 27 pages]

8.2 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2024 – INDEPENDENT OBSERVER

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	74574
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) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

A full report is 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 GIVES CONSIDERATION to recommending to the Council the appointment of an independent observer to the Chief Executive Officer Recruitment and Performance Review Committee, for the duration of the 2024 performance review process, seeking public expressions of interest from suitably qualified applicants;
- 2 SEEKS the Chief Executive Officer's agreement to Part 1 above in accordance with Clause 16.1(a) of the *City of Joondalup Standards for CEO Recruitment and Selection, Performance Review and Termination Policy*.

ALTERNATE RECOMMENDATION MOVED Cr Hill, SECONDED Cr Jones that the Chief Executive Officer Recruitment and Performance Review Committee NOT PROGRESS recommending to Council the appointment of an independent observer to the Chief Executive Officer Recruitment and Performance Review Committee, for the 2024 performance review process given the role of the independent HR Consultant.

The Alternate Motion was Put and

CARRIED (5/0)

In favour of the Alternate Motion: Mayor Jacob, Cr Hill, Cr May, Cr Jones and Cr Vinciullo.
Against the Alternate Motion: Nil.

2.2 DISCLOSURES OF INTEREST AFFECTING IMPARTIALITY

Name / Position	Mayor Albert Jacob, JP
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	21 May 2024.
Item No. / Subject	8.3 - Confidential - Consultant to Support Chief Executive Officer Recruitment and Performance Review Committee.
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the consultants is known to Mayor Jacob.

8.3 CONFIDENTIAL - CONSULTANT TO SUPPORT CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	74574
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) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

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

Cr Fishwick entered the Room at 6.19pm.

OFFICER'S RECOMMENDATION

That the CEO Recruitment and Performance Review Committee REQUESTS that the consultant appointed as the external and independent HR expert for the Chief Executive Officer Recruitment and Performance Review Committee to consult with and seek guidance from and to facilitate the review of the Chief Executive Officer's performance for 2024, including assistance in the development and/or variation of the Key Performance Indicators, and salary review, as a consequence of the performance review be _____.

ALTERNATE RECOMMENDATION MOVED Mayor Jacob, SECONDED Cr Vinciullo that the Chief Executive Officer Recruitment and Performance Review Committee REQUESTS that the consultant appointed as the external and independent HR expert for the Chief Executive Officer Recruitment and Performance Review Committee to consult with and seek guidance from and to facilitate the review of the Chief Executive Officer's performance for 2024, including assistance in the development and/or variation of the Key Performance Indicators, and salary review, as a consequence of the performance review be Price Consulting Group Pty Ltd.

The Alternate Motion was Put and

CARRIED (6/0)

In favour of the Motion: Mayor Jacob, Cr Fishwick, Cr Hill, Cr May, Cr Jones and Cr Vinciullo.

Against the Motion: Nil.

9 URGENT BUSINESS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

12 CLOSURE

There being no further business, the Presiding Member declared the Meeting closed at 6.20pm 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 PHILLIP VINCIULLO