

MINUTES

Chief Executive Officer -
Performance Review Committee

MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING

HELD ON

MEETING DATE



MONDAY, 24 SEPTEMBER 2007

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CITY OF JOONDALUP

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY, 24 SEPTEMBER 2007

ATTENDANCE

Committee Members:

Cr Russ Fishwick	<i>Presiding Person</i>	South Ward	
Mayor Troy Pickard			
Cr Tom McLean		North Ward	
Cr Steve Magyar		North-Central Ward	<i>from 1742 hrs</i>
Cr Brian Corr		South-East Ward	

Officers:

Director, Corporate Services:	M TIDY
Acting Administrative Services Coordinator:	L TAYLOR

In attendance:

Mr John Phillips, Workplace Solutions

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1730 hrs.

APOLOGIES/LEAVE OF ABSENCE

Apology - Cr Amphlett

CONFIRMATION OF MINUTES

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 16 AUGUST 2007

MOVED Mayor Pickard, **SECONDED** Cr McLean that the minutes of the meeting of the Chief Executive Officer – Performance Review Committee held on 16 August 2007 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Corr, Fishwick and McLean, Mayor Pickard

Cr Magyar entered the Room at 1742 hrs.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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 Garry Hunt – Chief Executive Officer
Item No/Subject	Item 1 – CEO Annual Performance Review Progress
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Disclosure of interest affecting impartiality

Elected Members and staff are required under the Code of Conduct, in addition to declaring any financial interest, 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 the interest.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 1 - CEO Annual Performance Review Progress
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Item 1 - CEO Annual Performance Review Progress - [74574]

PETITIONS AND DEPUTATIONS

Nil.

ITEM 1 CEO ANNUAL PERFORMANCE REVIEW PROGRESS - [74574]

WARD: All

RESPONSIBLE Michael Tidy
DIRECTOR: Director Corporate Services

PURPOSE OF REPORT

The purpose of this report is for the CEO Performance Review Committee (the committee) to progress the Annual Performance Review of the Chief Executive Officer (CEO).

EXECUTIVE SUMMARY

All elected members have been invited to provide written responses on the CEO's performance in accordance with clause 11.3(e)(ii) of the CEO's contract. The CEO has also completed his self-evaluation report in accordance with clause 11.3(c) of the CEO's contract.

The committee now needs to consider the report of the Consultant and prepare for the formal performance review interview. The interview will be conducted on Thursday 27 September 2007.

It is recommended that the CEO Performance Review Committee:

- 1 *NOTES that the requirements of clause 11.3(e)(ii) of the CEO's contract in relation to inviting all Elected Members to make written comments on the CEO's performance have been met;*
- 2 *NOTES that the requirements of clause 11.3(c) of the CEO's contract in relation to the CEO completing a self-evaluation report assessing his performance against the prescribed Key Performance Indicators have been met;*
- 3 *RECEIVES the CEO's Self Evaluation Report on his performance; and*
- 4 *RECEIVES the Consultant's Report on Elected Member Feedback and the CEO's Self Evaluation Report.*

BACKGROUND

CEO's performance review process requires the committee (clause 11.3(e)(ii) of the CEO's contract) to invite written comments at least fifteen (15) days prior to the scheduled interview from all individual Councillors addressing their views on the CEO's performance of his duties under his contract. Comments, which are not in writing, not signed or not received at least five (5) working days prior to the scheduled interview, must not be taken into account.

There is also a requirement that the CEO (clause 11.3(c) of the CEO's contract) prepare a self-evaluation report assessing his performance against the prescribed Key Performance Indicators (KPI's) for the last financial year immediately preceding the Annual Performance Review. This is required to be provided to the committee not less than five (5) working days prior to the scheduled interview.

At its meeting on 16 August 2007 the committee agreed to schedule the interview (clause 11.3(b) of the CEO's contract) for Thursday 27 September 2007 at 5.00pm. Subsequently 15 days notice in writing was given to the CEO and all elected members were invited to make written comments on the CEO's performance of his duties under his contract.

DETAILS

Issues and options considered:

As previously advised to the committee Clause 11 of the CEO's contract sets out a clearly defined process for undertaking the review of the CEO's performance. The requirements to invite written comments from elected members and for the CEO to prepare a self-evaluation report, both with fifteen (15) working days notice are fundamental to the performance review process.

These requirements have been met and the committee has fulfilled, to this point, all of its obligations in terms of the timeframe set out in the CEO's contract.

The Consultant appointed to assist the committee with the review has prepared a report, attachment 1, for the committee's consideration prior to the formal interview. The report draws on elected members feedback and the CEO's Self Evaluation Report, attachment 2.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

Included in Clause 3 Executive Duties, of the CEO's Employment Contract are the following references to the Local Government Act 1995 and other regulatory requirements:

- "3.3 exercise such powers and carry out such duties and functions as are imposed in the Act, and all other relevant laws, regulations and Standing Orders
- 3.4 fulfil the functions of a CEO as prescribed in the Act
- 3.5 comply with the Council's policies and procedures and Code of Conduct, as varied from time to time by the Council"

It should be noted that the committee has no delegated power.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against Key Performance Indicators on a periodic basis and the Performance Review Committee is required to refer its concluded report to the Council for consideration.

Financial/Budget Implications:

In conducting the performance review under the CEO's Employment contract, the Performance Review Committee is required to consult with and seek guidance from an external and independent human resources expert, or similar, to facilitate the review of the CEO's performance (Clause 11.3(e)(i)).

The cost of the appointed consultant is covered by the City's consultancy budget for 2007/08.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

As part of the review process the under clause 11(3)(e)(ii) the Performance Review Committee is required to seek written comments in relation to the CEO's performance from all individual Elected Members.

COMMENTS

The committee has now completed all of the steps and received all of the input stipulated in the CEO's contract as required prior to the conduct of the scheduled interview. The focus for the committee in regard to this report is preparing for the interview.

ATTACHMENTS

- Attachment 1 – Consultants Report on Elected Member Feedback and the CEO's Self Evaluation Report (distributed separately)
- Attachment 2 – CEO's Self Evaluation Report (distributed separately)

VOTING REQUIREMENTS

Simple majority.

OFFICER'S RECOMMENDATION: That it is recommended that the CEO Performance Review Committee:

- 1 NOTES that the requirements of clause 11.3(e)(ii) of the CEO's contract in relation to inviting all Elected Members to make written comments on the CEO's performance have been met;
- 2 NOTES that the requirements of clause 11.3(c) of the CEO's contract in relation to the CEO completing a self-evaluation report assessing his performance against the prescribed Key Performance Indicators have been met;
- 3 RECEIVES the CEO's Self Evaluation Report on his performance; and
- 4 RECEIVES the Consultant's Report on Elected Member Feedback and the CEO's Self Evaluation Report.

The Director Corporate Services provided an overview of his report. The consultant then gave an overview of his report on the Elected Member Feedback and the CEO's Self Evaluation Report. Discussion ensued in relation to comments contained within the feedback forms completed by Elected Members and the information included in the Consultant's Report. It was agreed that a revised Consultant's Report would be provided to Elected Members.

MOVED Mayor Pickard, SECONDED Cr McLean that it is recommended that the CEO Performance Review Committee:

- 1 **NOTES that the requirements of clause 11.3(e)(ii) of the CEO's contract in relation to inviting all Elected Members to make written comments on the CEO's performance have been met;**
- 2 **NOTES that the requirements of clause 11.3(c) of the CEO's contract in relation to the CEO completing a self-evaluation report assessing his performance against the prescribed Key Performance Indicators have been met;**
- 3 **RECEIVES the CEO's Self Evaluation Report on his performance;**
- 4 **RECEIVES the Consultant's Report on Elected Member Feedback, as amended, and the CEO's Self Evaluation Report and provides the CEO with a copy of the amended Feedback Report;**
- 5 **DISCUSSES with the CEO the inclusion of two KRA and/or KPI's into the contract, namely Major Projects and Sustainability.**

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Corr, Fishwick, McLean and Magyar, Mayor Pickard

**ITEM 2 PERFORMANCE REVIEW COMMITTEE - CHIEF
EXECUTIVE OFFICER - RESIGNATION OF
COUNCILLOR M JOHN - [74574] [65597]**

WARD: All
RESPONSIBLE Mr Mike Tidy
DIRECTOR: Corporate Services

PURPOSE

To advise of the resignation of Cr John from the Performance Review Committee - Chief Executive Officer (the committee).

EXECUTIVE SUMMARY

Cr John has resigned from the committee. Due to the short remaining term of the committee and that it would normally be proposed that the other Councillor in the South-West ward be the replacement but this position is currently vacant it is recommended:

That the resignation of Cr John from the Performance Review Committee - Chief Executive Officer be RECEIVED and it is RECOMMENDED to Council that it does not appoint a replacement to fill the vacancy on the committee before 20 October 2007.

BACKGROUND

Council at its Special Council meeting of 25 May 2006 (Item 1) appointed the Mayor and one representative from each ward to the Performance Review Committee - Chief Executive Officer as follows:

	Members
	Mayor T Pickard
North Ward	Cr T McLean
North-Central Ward	Cr S Magyar
Central Ward	Cr G Amphlett
South-West Ward	Cr M John
South-East Ward	Cr B Corr
South Ward	Cr R Fishwick

Cr John has tendered her resignation from the committee effective from 18 September 2007.

DETAILS

Issues and options considered:

All current committee appointments will expire and new appointments will need to be made as a result of the elections on 20 October 2007.

Council may therefore consider not replacing Cr John on the committee due to the:

- Short period of time between 18 September 2007 and 20 October 2007, and
- Original appointments were based on equal representation from wards and the other Councillor position for the South-West Ward is vacant.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

There are no statutory requirements that specifically require vacancies for positions on committees to be filled in any particular timeframe.

Risk Management considerations:

There is a slightly heightened risk that it will be more difficult to achieve a quorum although the history of elected member attendance at the committee has been very good and a quorum has not previously been a problem.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

It is proposed that the resignation of Cr John be received and it be recommended to Council that the vacancy not be filled.

ATTACHMENTS

Attachment 1 Letter of resignation from Councillor M John.

VOTING REQUIREMENTS

Simple majority

MOVED Mayor Pickard, SECONDED Cr Magyar that the resignation of Cr John from the Performance Review Committee - Chief Executive Officer be RECEIVED and it is RECOMMENDED to Council that it does not appoint a replacement to fill the vacancy on the Committee before 20 October 2007.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Corr, Fishwick, McLean and Magyar, Mayor Pickard

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 1815 hrs; the following Committee members being present at that time:

Cr Russ Fishwick
Mayor Troy Pickard
Cr Steve Magyar
Cr Tom McLean
Cr Brian Corr

MINUTES

Chief Executive Officer -
Performance Review Committee

MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING

HELD ON

MEETING DATE

THURSDAY 27 SEPTEMBER 2007

www.joondalup.wa.gov.au



City of
Joondalup

CITY OF JOONDALUP

MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD IN THE COUNCILLORS' WEST WARD OFFICE, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON THURSDAY, 27 SEPTEMBER 2007

ATTENDANCE

Committee Members:

Cr Russ Fishwick	<i>Presiding Person</i>	South Ward
Mayor Troy Pickard		
Cr Tom McLean		North Ward
Cr Steve Magyar		North-Central Ward
Cr Brian Corr		South-East Ward

Officers:

Chief Executive Officer: GARRY HUNT

In attendance:

Mr John Phillips, Workplace Solutions

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1705 hrs.

APOLOGIES/LEAVE OF ABSENCE

Leave of Absence previously approved:

Cr G Amphlett 25 September 2007 to 28 September 2007 inclusive

CONFIRMATION OF MINUTES

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD ON MONDAY, 24 SEPTEMBER 2007

This will be undertaken at the next meeting of the Chief Executive Officer - Performance Review Committee.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

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.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item 1 - CEO Annual Performance Review Interview
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO

Disclosure of interest affecting impartiality

Elected Members and staff are required under the Code of Conduct, in addition to declaring any financial interest, 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 the interest.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 1 - CEO Annual Performance Review Interview
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil

PETITIONS AND DEPUTATIONS

Nil

SUSPENSION OF STANDING ORDERS LOCAL LAW 2005

MOVED Cr Fishwick, **SECONDED** Cr Magyar that the CEO Performance Review Committee **SUSPENDS** the City's Standing Orders Local Law 2005 to enable the Committee to conduct the CEO's performance review interview, the time being 1705 hrs.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Magyar, Mayor Pickard

It should be noted that the committee has no delegated power.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against Key Performance Indicators on a periodic basis and the Performance Review Committee is required to refer its concluded report to the Council for consideration.

Financial/Budget Implications:

In conducting the performance review under the CEO's Employment contract, the Performance Review Committee is required to consult with and seek guidance from an external and independent human resources expert, or similar, to facilitate the review of the CEO's performance (Clause 11.3(e)(i)).

The cost of the appointed consultant is covered by the City's consultancy budget for 2007/08.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

As part of the review process the under clause 11(3)(e)(ii) the Performance Review Committee is required to seek written comments in relation to the CEO's performance from all individual Elected Members.

COMMENT

The committee has now completed all of the steps and received all of the input stipulated in the CEO's contract as required prior to the conduct of the scheduled interview.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER'S RECOMMENDATION: That the CEO Performance Review Committee AGREES to commence the interview with the CEO in relation to his annual performance review.

MOVED Cr Magyar, SECONDED Cr McLean that the Chief Executive Officer's report assessing his performance during the review period be RECEIVED.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Magyar, Mayor Pickard

The Presiding Person invited Committee Members and the Chief Executive Officer to discuss matters raised as part of the review and feedback process. A range of questions was asked by Committee Members and were responded to by Mr Hunt.

Discussion took place regarding the relevance and applicability of the Key Result Areas used in the review process.

The Chairman provided and spoke to a written report on the process to date – Appendix 1 refers.

MOVED Mayor Pickard, SECONDED Cr Corr that the report dated 26 September 2007 submitted by the Presiding Person of the Chief Executive Officer Performance Review Committee (forming Attachment 1) dealing with an overview of the Elected Members' Annual Assessment of the Chief Executive Officer, be RECEIVED.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Magyar, Mayor Pickard

It was agreed that the Chief Executive Officer, Director Corporate Services and Mr John Phillips, Consultant would finalise the details of a new Key Result Area – 'Major Projects', and to update KRA 2 – Strategic Management, which will be incorporated in the Item to be tabled at the Committee meeting scheduled to be held on 2 October 2007, and then as part of a final report to be tabled at the next occurring ordinary Meeting of Council – (Appendix 2 refers).

RESUMPTION OF STANDING ORDERS LOCAL LAW 2005

MOVED Cr Fishwick, SECONDED Cr Magyar that Standing Orders be RESUMED, the time being 1812 hrs.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Magyar, Mayor Pickard

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 1814 hrs; the following Committee members being present at that time:

Cr Russ Fishwick
Mayor Troy Pickard
Cr Steve Magyar
Cr Tom McLean
Cr Brian Corr

MINUTES

Chief Executive Officer -
Performance Review Committee

MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING

HELD ON

MEETING DATE



TUESDAY, 2 OCTOBER 2007

www.joondalup.wa.gov.au

CITY OF JOONDALUP

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 2 OCTOBER 2007

ATTENDANCE

Committee Members:

Cr Russ Fishwick	<i>Presiding Person</i>	South Ward
Mayor Troy Pickard		
Cr Tom McLean		North Ward
Cr Brian Corr		South-East Ward

Officers:

Director, Corporate Services:	M TIDY
Administrative Secretary:	L TAYLOR

In attendance:

Mr John Phillips, Workplace Solutions

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1736 hrs.

APOLOGIES/LEAVE OF ABSENCE

Apologies - Crs Geoff Amphlett and Steve Magyar

CONFIRMATION OF MINUTES

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 24 SEPTEMBER 2007

MOVED Mayor Pickard, **SECONDED** Cr McLean that the minutes of the meeting of the Chief Executive Officer – Performance Review Committee held on 24 September 2007 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Mayor Pickard

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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 Garry Hunt – Chief Executive Officer
Item No/Subject	Item 1 – Chief Executive Officer Interview Outcomes and Preparation of Concluded Annual Performance Review Report
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Disclosure of interest affecting impartiality

Elected Members and staff are required under the Code of Conduct, in addition to declaring any financial interest, 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 the interest.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 1 – Chief Executive Officer Interview Outcomes and Preparation of Concluded Annual Performance Review Report
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil.

PETITIONS AND DEPUTATIONS

Nil.

ITEM 1 CHIEF EXECUTIVE OFFICER INTERVIEW OUTCOMES AND PREPARATION OF CONCLUDED ANNUAL PERFORMANCE REVIEW REPORT - [74574]

WARD: All

**RESPONSIBLE
DIRECTOR:** Michael Tidy
Director Corporate Services

PURPOSE OF REPORT

The purpose of this report is for the CEO Performance Review Committee (the committee) to consider the outcomes of the interview with the Chief Executive Officer (CEO) and to provide feedback to the consultant for the preparation of the Concluded Annual Performance Review Report.

EXECUTIVE SUMMARY

Having completed the scheduled interview the committee now needs to consider the preparation of its report on the performance of the CEO. The appointed Consultant will assist the committee by writing the report with the input of the committee. The report will also incorporate the proposed key performance indicators (KPI's) and measures for the next review period to August 2008.

It is recommended:

The Consultant is REQUESTED to prepare a draft "Confidential Concluded Annual Performance Review Report" for the committee's consideration at its next meeting that incorporates and reflects:

- 1 *The outcomes of the CEO's performance review meeting of 27 September 2007, and*
- 2 *The feedback, advice and input of the committee.*

BACKGROUND

The scheduled interview of the CEO for the purpose of conducting his performance review in accordance with clause 11.3(b) of the CEO's contract was conducted at a meeting of the CEO Performance Review Committee on 27 September 2007.

The CEO's annual performance review process now requires that a report (marked "Private and Confidential") be prepared and signed. The CEO is to be provided with a copy and has up to five (5) working days in which to provide any written comments he may have about matters addressed in the report.

Following the period for the CEO's written comments the report of the committee together with any written comments from the CEO (as an annexure to the report) are to be submitted to Council at its next meeting provided the Council receives a copy at least five (5) working days prior to the Council Meeting.

DETAILS

Issues and options considered:

A confidential Concluded Annual Performance Review Report of the CEO's performance needs to be prepared. It is intended that the consultant prepare the report on the basis of the advice and input of committee members.

At the scheduled interview conducted at the meeting of the CEO Performance Review Committee on 27 September 2007 a review was also done of the CEO's key performance indicators and measures against each of the key result areas. The report needs to address the proposed revised indicators and measures for the next reporting period to August 2008.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

Included in Clause 3 Executive Duties, of the CEO's Employment Contract are the following references to the Local Government Act 1995 and other regulatory requirements:

- "3.3 exercise such powers and carry out such duties and functions as are imposed in the Act, and all other relevant laws, regulations and Standing Orders
- 3.4 fulfil the functions of a CEO as prescribed in the Act
- 3.5 comply with the Council's policies and procedures and Code of Conduct, as varied from time to time by the Council"

Specifically section 5.38 of the Local Government Act 1995 sets out the statutory requirement for an annual performance review of the CEO.

It should be noted that the committee has no delegated power.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on a periodic basis and the committee is required to refer its concluded report to the Council for consideration.

Financial/Budget Implications:

In conducting the performance review under the CEO's Employment contract, the committee is required to consult with and seek guidance from an external and independent human resources expert, or similar, to facilitate the review of the CEO's performance (Clause 11.3(e)(i)).

The cost of the appointed consultant is covered by the City's consultancy budget for 2007/08.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

As part of the review process under clause 11(3)(e)(ii) the committee is required to seek written comments in relation to the CEO's performance from all individual Elected Members. This has been done and the feedback incorporated into the committee's discussions with the CEO and where appropriate will be reflected in the final report.

COMMENTS

The committee has now completed all of the processes in the CEO's performance review process other than preparing and submitting a copy of its report to the CEO for comment and then to Council for its consideration. The report will also incorporate a review and recommendation in relation to key performance indicators and measures against the key result areas for the next review period to August 2008.

ATTACHMENTS

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That the Consultant is REQUESTED to prepare a draft "Confidential Concluded Annual Performance Review Report" for the Committee's consideration at its next meeting that incorporates and reflects:

- 1 The outcomes of the CEO's performance review meeting of 27 September 2007, and
- 2 The feedback, advice and input of the committee.

The Director, Corporate Services made reference to the required actions as a result of the CEO's interview held on 27 September 2007. As discussed, the Key Result Areas (KRAs) section was provided to the CEO for comment and revision if necessary. Any comments and revised documentation provided by the CEO in relation to the KRAs section will be available at the meeting to be held on 4 October 2007.

It was requested that the following information be provided to Committee members at the 4 October 2007 meeting:

- o AMI and CPI statistics
- o Information in relation to salary movements for Directors during 2006/07
- o Figures supplied by the Salaries and Allowances Tribunal

MOVED Cr McLean, SECONDED Cr Corr that subject to the CEO'S feedback on the proposed changes to the key result areas, the Consultant is REQUESTED to prepare a draft "Confidential Concluded Annual Performance Review Report" for the Committee's consideration at its next meeting that incorporates and reflects:

- 1 **The outcomes of the CEO's performance review meeting of 27 September 2007, and**
- 2 **The feedback, advice and input of the Committee.**

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Mayor Pickard

ITEM 2 CHAIRMAN'S OVERVIEW OF ELECTED MEMBERS ANNUAL ASSESSMENT OF CEO - [74574]

WARD: All

RESPONSIBLE DIRECTOR: Michael Tidy
Director Corporate Services

This matter was addressed as part of the interview process for the CEO held on 27 September 2007.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 1750 hrs; the following Committee members being present at that time:

Cr Russ Fishwick
Mayor Troy Pickard
Cr Tom McLean
Cr Brian Corr

MINUTES

Chief Executive Officer -
Performance Review Committee

MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING

HELD ON

MEETING DATE

THURSDAY 4 OCTOBER 2007

www.joondalup.wa.gov.au



City of
Joondalup

CITY OF JOONDALUP

MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD IN CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON THURSDAY, 4 OCTOBER 2007

ATTENDANCE

Committee Members:

Cr Russ Fishwick	<i>Presiding Person</i>	South Ward
Mayor Troy Pickard		
Cr Tom McLean		North Ward
Cr Brian Corr		South-East Ward

Officers:

Chief Executive Officer:	GARRY HUNT	<i>from 1810 hrs to 1835 hrs</i>
Director Corporate Services:	MIKE TIDY	<i>absent from 1804 hrs to 1810 hrs</i>
Acting Manager, Marketing Communications And Council Support:	JANET HARRISON	

In attendance:

Mr John Phillips, Workplace Solutions

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1730 hrs.

APOLOGIES/LEAVE OF ABSENCE

Apologies: Cr Geoff Amphlett
Cr Steve Magyar

CONFIRMATION OF MINUTES

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE HELD 2 OCTOBER 2007

This will be undertaken at the next meeting of the Chief Executive Officer - Performance Review Committee.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

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.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item 1 – Chief Executive Officer Concluded Annual Performance Review
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Disclosure of interest affecting impartiality

Elected Members and staff are required under the Code of Conduct, in addition to declaring any financial interest, 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 the interest.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 1 – Chief Executive Officer Concluded Annual Performance Review
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil

PETITIONS AND DEPUTATIONS

Nil

ITEM 1 CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW - [74574]

WARD: All

**RESPONSIBLE
DIRECTOR:** Michael Tidy
Director Corporate Services

PURPOSE OF REPORT

The purpose of this report is for the CEO Performance Review Committee (the committee) to consider its report and conclude the annual review process with its recommendation to Council.

EXECUTIVE SUMMARY

Having completed the scheduled interview the committee now needs to consider its report on the performance of the Chief Executive Officer (CEO) and make a recommendation to Council in relation to his annual performance review. In addition to performance over the reporting period the report also incorporates proposed key performance indicators (KPIs) and measures for the next review period to August 2008.

It is recommended that Council:

- 1 *ADOPTS the CEO Performance Review Committee's Confidential Concluded Annual Performance Review Report and endorses the overall rating of "[to be determined at the committee meeting]."*
- 2 *ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2007/08.*

BACKGROUND

The scheduled interview of the CEO for the purpose of conducting his performance review in accordance with clause 11.3(b) of the CEO's contract was conducted at a meeting of the CEO Performance Review Committee on 27 September 2007.

The CEO's annual performance review process now requires that a report (marked "Private and Confidential") be prepared and signed. The CEO is to be provided with a copy and has up to five (5) working days in which to provide any written comments he may have about matters addressed in the report.

Following the period for the CEO's written comments the report of the committee together with any written comments from the CEO (as an annexure to the report) are to be submitted to Council at its next meeting provided the Council receives a copy at least five (5) working days prior to the Council Meeting.

DETAILS

Issues and options considered:

The committee discussed the outcomes of the CEO's performance interview at its meeting on 2 October 2007. A confidential draft Concluded Annual Performance Review Report of the CEO's performance has been completed and is attached (Attachment 1 refers). The report addresses the performance of the CEO over the review period August 2006 to August 2007.

At the CEO's performance interview a review was also done of the CEO's key performance indicators and measures against each of the key result areas. The attached report includes the proposed revised indicators and measures for the next reporting period to August 2008.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

Included in Clause 3 Executive Duties, of the CEO's Employment Contract are the following references to the Local Government Act 1995 and other regulatory requirements:

- "3.3 exercise such powers and carry out such duties and functions as are imposed in the Act, and all other relevant laws, regulations and Standing Orders
- 3.4 fulfil the functions of a CEO as prescribed in the Act
- 3.5 comply with the Council's policies and procedures and Code of Conduct, as varied from time to time by the Council"

Specifically section 5.38 of the Local Government Act 1995 sets out the statutory requirement for an annual performance review of the CEO.

It should be noted that the committee has no delegated power.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on a periodic basis and the committee is required to refer its concluded report to the Council for consideration.

Financial/Budget Implications:

In conducting the performance review under the CEO's Employment contract, the committee is required to consult with and seek guidance from an external and independent human resources expert, or similar, to facilitate the review of the CEO's performance (Clause 11.3(e)(i)).

The cost of the appointed consultant is covered by the City's consultancy budget for 2007/08.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

As part of the review process under clause 11(3)(e)(ii) the committee is required to seek written comments in relation to the CEO's performance from all individual Elected Members. This has been done and the feedback incorporated into the committee's deliberations and final report.

COMMENTS

The committee has now completed all of the processes in the CEO's performance review other than submitting a copy of its report to the CEO for comment and then to Council for its consideration. The report also incorporates a review and recommendations for key performance indicators and measures against the key result areas for the next review period to August 2008.

ATTACHMENTS

Attachment 1 CEO Confidential Concluded Annual Performance Review Report
(distributed separately)

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1 ADOPTS the CEO Performance Review Committee's Confidential Concluded Annual Performance Review Report and endorses the overall rating of "[to be determined at the committee meeting]";
- 2 ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2007/08.

The Director Corporate Services tabled the Confidential Concluded Annual Performance Review Report (forming Attachment 1 hereto), which had been emailed to Committee members on 4 October 2007. Committee members were advised that the blue text in this report was a combination of wording raised at the last Committee meeting and also from the Chief Executive Officer.

Extensive discussion ensued on the Confidential Concluded Annual Performance Review Report. The Director Corporate Services advised that the Chief Executive Officer was available, should the Committee wish to discuss any issue with him.

SUSPENSION OF STANDING ORDERS LOCAL LAW 2005

MOVED Cr Fishwick, SECONDED Cr McLean that the CEO Performance Review Committee SUSPENDS the City's Standing Orders Local Law 2005 to enable the Committee to discuss matters relating to the Confidential Concluded Annual Performance Review Report with the Chief Executive Officer.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Mayor Pickard

The Director Corporate Services left the Room at 1804 hrs and returned at 1810 hrs with the Chief Executive Officer.

Discussion resumed on the Confidential Concluded Annual Performance Review Report.

The Chief Executive Officer left the Room at 1835 hrs.

RESUMPTION OF STANDING ORDERS LOCAL LAW 2005

MOVED Cr Fishwick, SECONDED Mayor Pickard that Standing Orders be RESUMED.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Mayor Pickard

MOVED Mayor Pickard SECONDED Cr McLean that the Chief Executive Officer Performance Review Committee RECOMMENDS that Council ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2007/08, subject to the following amendments to the Confidential Concluded Annual Performance Review Report, forming Attachment 1 hereto:

1 Page 9: KPI – Progress Development of the strategic plan: First dot point within Measure to be removed and replaced with:

**“Presentation of the strategic plan to Council for final adoption.
Development of a practical methodology for its implementation.”**

2 Page 10: KPI – Investment of the City's financial assets: Wording of dot point to be amended to read:

“Develop a long term financial plan for City building and road assets.”

3 Page 13: KPI – Implement Major Project phases in accordance with the strategic plan, annual plan and operational budget:

(a) Amend the abbreviation ‘ORM’ to read ‘Ocean Reef Marina’;

(b) Amend the abbreviation ‘JCCDP’ to read ‘Joondalup City Centre District Plan’;

- 4 Page 13: KPI – Implement Major Project phases in accordance with the strategic plan, annual plan and operational budget: A point (c) be added to Joondalup CBD to read:**

“(c) implementation of project plans in accordance with the project plans adopted by Council.”

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Mayor Pickard

MOVED Cr Fishwick SECONDED Mayor Pickard that the Chief Executive Officer Performance Review Committee:

- 1 ADOPTS the Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating of ‘Meets the Performance Requirements’;**
- 2 NOTES that the Chief Executive Officer has continued to provide excellent leadership, strategic management and governance for the City of Joondalup.**

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Fishwick, Corr, McLean and Mayor Pickard

A confidential memorandum from the Chief Executive Officer to the Committee, dated 4 October 2007, was tabled – Attachment 2 refers.

The Director Corporate Services provided documentation on salaries and allowances to the Committee members.

The Presiding Person thanked Mr Phillips and the Director Corporate Services for the information provided to the Committee.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 1847 hrs; the following Committee members being present at that time:

Cr Russ Fishwick
Mayor Troy Pickard
Cr Tom McLean
Cr Brian Corr