

# 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

# 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.

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	Item 1 – CEO Annual Performance Review Progress
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	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.

<b>Name/Position</b>	<b>Mr Mike Tidy - Director Corporate Services</b>
<b>Item No/Subject</b>	Item 1 - CEO Annual Performance Review Progress
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	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.

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## **ITEM 1                      CEO ANNUAL PERFORMANCE REVIEW PROGRESS - [74574]**

**WARD:**                      All

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

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### **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 it's 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 DIRECTOR:** Mr Mike Tidy  
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:

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

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