

## **CITY OF JOONDALUP**

### **MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 18 SEPTEMBER 2006**

#### **ATTENDANCE AND APOLOGIES**

##### **Committee Members:**

Cr R (Russ) Fishwick	<i>Presiding Person</i>	South Ward
Cr G (Geoff) Amphlett	<i>Deputy Presiding Person</i>	Central Ward
Mayor T (Troy) Pickard	<i>To 1749 hrs</i>	
Cr T (Tom) McLean		North Ward
Cr M (Michele) John		South-West Ward

##### **Observer:**

Cr S (Sue) Hart

##### **Officers:**

M (Mike) TIDY	Director, Corporate Services:
L (Lesley) TAYLOR	Acting Administrative Services Co-ordinator:

#### **DECLARATION OF OPENING**

The Presiding Person declared the meeting open at 1708 hrs.

#### **APOLOGIES/LEAVE OF ABSENCE**

Apology - Cr B (Brian) Corr

##### In Attendance

Mr John Phillips - Workplace Solutions

#### **CONFIRMATION OF MINUTES**

MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD ON TUESDAY 8 AUGUST 2006

**MOVED** Cr John, **SECONDED** Mayor Pickard that the minutes of the Chief Executive Officer – Performance Review Committee meeting held on 8 August 2006 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs Fishwick, Amphlett, McLean, and John

## **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**

Commissioners 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 Commissioner/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**

Nil.

## **PETITIONS AND DEPUTATIONS**

Nil.

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

**WARD:**                      All

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

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### **PURPOSE**

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 prepare for the formal performance review interview. The interview will be conducted on Thursday 21 September 2006.

*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        *ENDORSES the setting of Thursday 21 September at 5.30pm for the conduct of the scheduled interview in accordance with clause 11.3(b) of the CEO's contract.*

### **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 Elected Members 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.

After discussion with all committee members it was agreed to schedule the interview (clause 11.3(b) of the CEO's contract) for Thursday 21 September 2006 at 5.30pm. 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.

### **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 2006/07.

**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**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION:** 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 ENDORSES the setting of Thursday 21 September 2006 at 5.30pm for the conduct of the scheduled interview in accordance with clause 11.3(b) of the CEO's contract;

**MOVED Cr John, SECONDED Cr McLean 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 ENDORSES the setting of Thursday 21 September 2006 at 5.30pm for the conduct of the scheduled interview in accordance with clause 11.3(b) of the CEO's contract;**
- 4 REQUESTS the Director Corporate Services to:**
  - (a) PRESENT a copy of the Consultant's working paper to the Chief Executive Officer;**
  - (b) ADVISE the CEO that there will be a discussion in relation to the KPIs for the 2006/07 year;**
  - (c) ADVISE the CEO that discussions will incorporate 4.7 – Process to be adopted for 2007 Appraisal.**

Mr John Phillips provided an overview of the structure of the draft report provided to committee members in relation to comments received from Elected Members. The report outlines a summary, methodology and draft recommendations for consideration by the committee.

*During discussion, Mayor Pickard left the Room at 1749 hrs.*

Discussion ensued with respect to the CEO's Interview with the Committee to be held on Thursday, 21 September 2006, with the suggestion being made that the interview process be held in a more informal environment such as the Elected Members' lounge.

A number of queries were raised in relation to the scope of questions to be asked of the CEO during the interview process and the KPIs to be set for the coming year.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (4/0)**

**In favour of the Motion:** Crs Fishwick, Amphlett, McLean, and John

**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 1829 hrs; the following Elected members being present at that time:

Cr Fishwick  
Cr Amphlett  
Cr McLean  
Cr John

## **CITY OF JOONDALUP**

### **MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON THURSDAY 21 SEPTEMBER 2006**

#### **ATTENDANCE AND APOLOGIES**

##### **Committee Members:**

Cr R (Russ) Fishwick	<i>Presiding Person</i>	South Ward
Cr G (Geoff) Amphlett	<i>Deputy Presiding Person</i>	Central Ward
Mayor T (Troy) Pickard	<i>– to 1900 hrs</i>	
Cr T (Tom) McLean		North Ward
Cr M (Michele) John		South-West Ward
Cr S (Steve) Magyar		North-Central Ward

##### **Observer:**

Cr S (Sue) Hart	South-East Ward
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##### **Officers:**

M (Mike) TIDY	Director, Corporate Services	<i>To 1740 hrs</i>
G (Garry) HUNT	Chief Executive Officer:	

#### **DECLARATION OF OPENING**

The Presiding Person declared the meeting open at 1735 hrs.

#### **APOLOGIES/LEAVE OF ABSENCE**

Apology - Cr B (Brian) Corr

##### **In Attendance**

Mr John Phillips, Consultant

**CONFIRMATION OF MINUTES****MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETING HELD ON MONDAY 18 SEPTEMBER 2006**

As the minutes from the meeting of Monday 18 September 2006 have not yet been distributed, these minutes will be confirmed at the next meeting of the Chief Executive Officer – Performance Review Committee.

**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 Interview
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Mr Hunt holds the position of CEO.

**Disclosure of interest affecting impartiality**

Commissioners 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 Commissioner/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 Interview
<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**

Nil.

**PETITIONS AND DEPUTATIONS**

Nil.

*Mr M Tidy left the meeting at 1740 hours*

## **ITEM 1                      CEO    ANNUAL    PERFORMANCE    REVIEW    INTERVIEW [74574]**

**WARD:**                      All

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

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### **PURPOSE**

The purpose of this report is for the CEO Performance Review Committee (the committee) to undertake the scheduled interview with the Chief Executive Officer (CEO) in relation to his annual performance review.

### **EXECUTIVE SUMMARY**

The committee now needs to conduct the scheduled interview.

*It is recommended that the CEO Performance Review Committee AGREES to commence the interview with the CEO in relation to his annual performance review to be conducted.*

### **BACKGROUND**

The scheduled interview of the CEO for the purposes of conducting his performance review in accordance with clause 11.3(b) of the CEO's contract was agreed by committee members and endorsed at the committee meeting of the 18 September 2006.

### **DETAILS**

#### **Issues and options considered:**

As all of the preliminary requirements in accordance with Clause 11 of the CEO's contract leading to the scheduled interview have been completed there are no issues preventing the interview, taking place.

#### **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 2006/07.

**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.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

It is recommended that the CEO Performance Review Committee AGREES to commence the interview with the CEO in relation to his annual performance review to be conducted.

**MOVED Cr Magyar, SECONDED Cr John that the report submitted by the Chairman of the Chief Executive Officer Performance Review Committee dealing with an overview of the Elected Members annual assessment of the Chief Executive Officer, be RECEIVED.**

The Chairman provided and spoke to a written report on the process to date (copy attached). The Chief Executive Officer, Mr Garry Hunt, provided comments in relation to his written report, a copy of which had been provided to all Elected Members during the consultation process.

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Cr Fishwick, Cr Amphlett, Cr McLean, Cr Magyar, Cr John, Mayor Pickard

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

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

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Mayor Pickard, Cr Fishwick, Cr Amphlett, Cr McLean, Cr Magyar, Cr John

*Mayor Pickard left the meeting at 1900 hours*

Discussion took place regarding the relevance and applicability of the Key Result Areas used in the review process. The consensus was that number and range of Key Result Areas is appropriate, and that further refinement of the KPIs and Measures should occur.

**Agreed:** Mr Hunt, Mr Tidy and Mr Phillips to draft an updated version of the Key Result Area document which will be incorporated in the item to be tabled at the appropriate Ordinary Meeting of Council.

Discussion took place regarding the suitability of the appraisal process as conducted, with the consensus being that it had been effective and was appropriate to use in 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 1920 hrs; the following Elected members being present at that time:

Cr Fishwick  
Cr Amphlett  
Cr McLean  
Cr Magyar  
Cr John

## **CITY OF JOONDALUP**

### **MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 10 OCTOBER 2006**

#### **ATTENDANCE AND APOLOGIES**

##### **Committee Members:**

Cr Russ Fishwick	<i>Presiding Person</i>	South Ward
Cr Geoff Amphlett	<i>Deputy Presiding Person</i>	Central Ward
Mayor Troy Pickard		
Cr Tom McLean		North Ward
Cr Steve Magyar		North-Central Ward
Cr Michele John		South-West Ward
Cr Brian Corr	<i>From 1752 hrs</i>	South-East Ward

##### **Observer:**

##### **Officers:**

Mr Mike TIDY	Acting Chief Executive Officer.
Ms Janet HARRISON	Acting Manager, Marketing Communications & Council Support.

#### **DECLARATION OF OPENING**

The Presiding Person declared the meeting open at 1739 hrs.

#### **APOLOGIES/LEAVE OF ABSENCE**

##### In Attendance

Mr John Phillips - Workplace Solutions

## CONFIRMATION OF MINUTES

### MINUTES OF THE CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON MONDAY 18 SEPTEMBER 2006 AND THURSDAY 21 SEPTEMBER 2006

**MOVED Cr McLean, SECONDED Cr John that the minutes of the Chief Executive Officer – Performance Review Committee meetings held on Monday 18 September 2006 and Thursday 21 September 2006 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Mayor Pickard, Crs Fishwick, Amphlett, McLean, Magyar and John.

## ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Presiding Person expressed thanks to Mr John Phillips and Mr Mike Tidy for the assistance provided to the Committee throughout the review process.

## 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.

Nil.

### Disclosure of interest affecting impartiality

Commissioners 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 Commissioner/employee is also encouraged to disclose the nature of the interest.

<b>Name/Position</b>	<b>Mr Mike Tidy - Acting Chief Executive Officer</b>
<b>Item No/Subject</b>	Item 1 - Chief Executive Officer Concluded Annual Performance Review
<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

Nil.

## PETITIONS AND DEPUTATIONS

Nil.

*Cr Corr entered the Room at 1752 hrs.*

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

**WARD:** All

**RESPONSIBLE DIRECTOR:** Michael Tidy  
Acting Chief Executive Officer

## 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 2007.

*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 "Exceeds Performance Requirements."*
- 2. ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2006/2007.*

## 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 21 September 2006.

The requirements of 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 has been completed and is attached (Attachment 1). The report addresses the performance of the CEO over the review period August 2005 to August 2006.

At the scheduled interview conducted at the meeting of the CEO Performance Review Committee on 21 September 2006 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 2007.

### **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 2006/07.

**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 2007.

**ATTACHMENTS**

Attachment 1 – CEO Confidential Concluded Annual Performance Review Report

**VOTING REQUIREMENTS**

Simple majority.

**MOVED Mayor Pickard SECONDED Cr McLean that Council:**

- 1 ADOPTS the CEO Performance Review Committee's Confidential Concluded Annual Performance Review Report and endorses the overall rating of "Exceeds Performance Requirements."**
- 2 ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2006/2007.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (7/0)**

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

**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 Elected members being present at that time:

Cr Fishwick  
Cr Amphlett  
Mayor Pickard  
Cr McLean  
Cr Magyar  
Cr John  
Cr Corr