



Shire of
Pingelly

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CEO Performance Review Committee Agenda

13 October 2021

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MISSION STATEMENT

To enhance the quality of life for the people of Pingelly through the provision of leadership, services and infrastructure.

Shire of Pingelly CEO Performance Review



Notice of Meeting

Notice is given that a meeting of the CEO Performance Review Committee will be held in the Council Chambers, 17 Queen Street, Pingelly on 13 October 2021, commencing at 11am.

Your attendance is respectfully requested.

Disclaimer

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations. The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

A handwritten signature in black ink, appearing to be "A. Dover", is located below the disclaimer text.

Andrew Dover
Chief Executive Officer

PUBLIC QUESTION TIME INFORMATION

The Shire of Pingelly welcomes community participation during public question time. This document is to be read in conjunction with the *Shire of Pingelly Standing Orders Local Law 2017* and the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

1. A member of the public who raises a question during question time must:
 - a. be in attendance at the meeting;
 - b. first state their name and address;
 - c. direct the question to the Presiding Member;
 - d. ask the question briefly and concisely;
 - e. limit any preamble to matters directly relevant to the question; and
 - f. ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
2. Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
3. Where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled.
4. Where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member.
5. Where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting.
6. A member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.

Questions may be submitted by e-mail to admin@pingelly.wa.gov.au.

SHIRE OF PINGELLY

Agenda for the Shire of Pingelly CEO Performance Review Committee meeting to be held in the Council Chamber, 17 Queen Street, Pingelly on Wednesday, 13 October 2021 – commencing at 11am.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

1.1. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past, present and emerging.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. DISCLOSURES OF INTEREST

The *Local Government Act* (Section 5.60 – 5.62) provides that it is the Councillor's obligation to declare an interest if they believe that they have a financial interest, proximity interest, closely associated persons interest or an interest affecting impartiality in a matter being discussed by Council.

The Act provides that the interest may be declared in writing to the Chief Executive Officer prior to the meeting or declared prior to discussion of the agenda item at the meeting. Forms for this purpose are available to Councillors.

The Act further provides that the extent of the interest needs to be declared if the Councillor seeks to remain in the Chamber during the discussion, debate or voting on the item.

A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.

6. CONFIRMATION OF MINUTES AND REPORTS

Nil

7. BUSINESS

CONFIDENTIAL ITEMS

THAT pursuant to Section 5.23 of the Local Government Act 1995 these items be dealt with, with the public excluded as the item deals with a matter affecting an employee.

Moved: _____ Seconded: _____

7.1 Chief Executive Officer Performance Criteria

File Reference: ADM0000
Location: Not Applicable
Applicant: Not Applicable
Author: Chief Executive Officer
Disclosure of Interest: Chief Executive Officer
Attachments: Chief Executive Officer Performance Criteria

Summary

The CEO Performance Review Committee is requested to consider the 2021/2022 CEO Annual Review document to set Performance Criteria for the Chief Executive Officer for the period 03 August 2021 – 2022.

Background

The CEO has been recently appointed, commencing on 03 August 2021. Council's contract with the CEO includes the following clauses:

4. PERFORMANCE CRITERIA AND REVIEW

4.1 Performance Criteria

- (1) Within 3 (three) months of the Commencement Date or other date as agreed by the Council and You and the Council must negotiate and determine the Performance Criteria.
- (2) The Performance Criteria must be reasonably achievable by You.
- (3) You must use every reasonable endeavour to comply with the Performance Criteria.
- (4) The Performance Criteria –
 - (a) must be reviewed annually by the Council and You; and
 - (b) may be amended, from time to time, by agreement in writing between the Council and You.

The CEO has drafted the attached Performance Criteria document which includes space for comment by the CEO and the CEO Performance Review Committee following the completion of the first year of employment.

Comment

The Committee, following consideration of the Review Report, is requested to:

1. Consider the suitability of the Performance Criteria; and
2. Recommend the final Performance Criteria for final adoption by Council.

Following the Committee Recommendation being carried, the recommendation and minutes of the meeting will progress to be considered by full Council at the next Ordinary Council Meeting.

Consultation

Nil

Statutory Environment

Section 5.38 of the *Local Government Act* provides that the performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Regulation 18D of the Local Government (Administration) Regulations provides that a local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

Policy Implications

Policy 10.16 CEO Annual Performance Review, requires that:

- At least once annually the performance of the Chief Executive Officer is to be reviewed by a Committee of the President and two Councillors appointed by Council.
- Prior to review all Councillors and the Chief Executive Officer are to complete the performance indicators sheet.
- The review is to be conducted in a manner described in the relevant Contract of Employment.
- Council is to be informed of the result of the review at the next Council Meeting. Council is then required to accept the review, with or without modification or to reject the review. (Regulation 18D – *Local Government Administration Regulations*).

Policy 10.19 CEO Recruitment, Performance and Termination

4. POLICY STATEMENT

4.1. Review of Performance of CEO'S

4.2.1 The Shire of Pingelly and the CEO must agree on in writing:

- (i) the process by which the CEO's performance will be reviewed
- (ii) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria**

4.2.2 A review of the performance of the CEO by the Shire of Pingelly must be carried out in an impartial and transparent manner.

4.2.3 The Shire of Pingelly must:

- (i) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner;
- (ii) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence

4.2.4 Following a review of the performance of the CEO, the Shire of Pingelly must, by resolution of an absolute majority of the council, endorse the review

4.2.5 After the Shire of Pingelly has endorsed a review of the performance of the CEO, the Shire of Pingelly must inform the CEO in writing of:

- (i) the results of the review;
- (ii) any performance issues identified and how the Shire of Pingelly proposes to address and manage those issues

Financial Implications

Nil

Strategic Implications

Goal 5	Innovation, Leadership and Governance
Outcome 5.8	A strong corporate governance framework is maintained
Strategy 5.8.2	Ensure compliance with legislative requirements and excellence in business performance

Risk Implications

Risk	Failure to set Performance Criteria limit the effectiveness of the required annual performance review.
Risk Rating (Prior to Treatment or Control)	Reputational
Principal Risk Theme	Moderate (9)
Risk Action Plan (Controls or Treatment Proposed)	Nil.

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

Recommendation

That the Committee recommend the following action(s) to Council:

Endorse Attachment 1 Chief Executive Officer Performance Criteria as the agreed Performance Criteria which will be used to assess the performance of the CEO in his annual review subject to funding of each Criteria.

Moved: _____ Seconded: _____

Recommendation:

That the meeting be re-opened to the public.

Moved: _____ Seconded: _____

8. CLOSURE OF MEETING

The Chairman to declare the meeting closed.