

SHIRE OF PINGELLY

Table of Contents

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS..... 3
- 1.1. ACKNOWLEDGEMENT OF COUNTRY 3
- 2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE 3
- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE 3
- 4. PUBLIC QUESTION TIME 3
- 5. DISCLOSURES OF INTEREST 3
- 6. CONFIRMATION OF MINUTES AND REPORTS 3
- 7. BUSINESS..... 4
- 8. CLOSURE OF MEETING 6

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at xxxx.

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

Cr W Mulroney	(President)
Cr J McBurney	(Deputy President)
Cr K Camilleri	
Cr P Narducci	(Observer)

STAFF IN ATTENDANCE

Mr A Dover	Chief Executive Officer
Mrs V Ward	Executive Assistant

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. DISCLOSURES OF INTEREST

Mr Andrew Dover – Item 7.1 Chief Executive Officer Performance Criteria

Moved Cr Camilleri

Seconded Cr McBurney

That Mr Dover be granted permission to remain in the meeting and participate in discussions.

CARRIED 3/0

6. CONFIRMATION OF MINUTES AND REPORTS

Nil

7. BUSINESS

CONFIDENTIAL ITEMS

Moved: Cr McBurney

Seconded: Cr Camilleri

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.

CARRIED 3/0

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	Minor	Moderate	Major	Catastrophic
		1	2	3	4	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

Moved: Cr McBurney

Seconded: Cr Camilleri

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.

CARRIED 3/0

Moved: Cr McBurney

Seconded: Cr Camilleri

Recommendation:

That the meeting be re-opened to the public.

CARRIED 3/0

8. CLOSURE OF MEETING

The Chairman declared the meeting closed at 12.38PM.