



Shire of
Pingelly

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Shire of Pingelly

CEO Performance Review Committee

Minutes
09 February 2022

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 1.00pm.

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
MEMBERS PRESENT

Cr W Mulroney (President)
Cr J McBurney (Deputy President)
Cr K Camilleri

STAFF IN ATTENDANCE

Mr A Dover Chief Executive Officer

GUESTS

Cr B Hotham
Cr P Wood (from 1:45pm)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. DISCLOSURES OF INTEREST

Nil

6. CONFIRMATION OF MINUTES AND REPORTS

Nil

7. BUSINESS

CONFIDENTIAL ITEMS

Moved: Cr McBurney

Seconded: Cr Camilleri

Council Decision:

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 – Confidential Attachment

Summary

The CEO Performance Review Committee is requested to consider the 2021/2022 CEO Annual Review document to monitor the progress of actions against these Performance Criteria for the Chief Executive Officer for the period 03 August 2021 – 09 February 2022.

Background

The CEO has commenced on 03 August 2021. Council's contract with the CEO includes the following clauses:

Council has adopted Performance Criteria against which the performance of the CEO can be measured. The CEO has provided comment against the Performance Criteria document which provide updates on various actions to date.

Comment

Following the Committee Recommendation, 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 Camilleri Seconded: Cr McBurney

Recommendation and Council Decision:

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

Endorse the 6 monthly comments on the Chief Executive Officer Performance Criteria as attached.

Carried 3:0

Moved: Cr McBurney Seconded: Cr Camilleri

Council Decision:

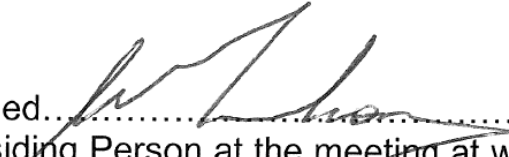
That the meeting be re-opened to the public.

Carried 3:0

8. CLOSURE OF MEETING

The Chairman declared the meeting closed at 2.00pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 16 February 2022

Signed.....
Presiding Person at the meeting at which the minutes were confirmed.