



Shire of
Serpentine
Jarrahdale

CEO Employment Committee

Unconfirmed Minutes

Monday, 2 August 2021

5:30pm

[Rescheduled Monday, 30 August 2021]

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Shire of Serpentine Jarrahdale

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Open Monday to Friday 8.30am-5pm (closed public holidays)



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Minutes – CEO Employment Committee Meeting –
2 August 2021 [Rescheduled 30 August 2021]

Minutes of the CEO Employment Committee Meeting held in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong on Monday, 30 August 2021.

This meeting was originally scheduled to occur on Monday, 2 August 2021; however, the meeting was rescheduled to occur on Monday, 30 August 2021.

The Presiding Member, Councillor Byas, declared the meeting open at 5:30pm, and welcomed Councillors and Staff, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past, present and emerging.

Minutes

1. Attendances and apologies (including leave of absence):

In Attendance:

Councillors: M Byas Presiding Member
M Rich (From 5:38pm)
D Atwell
R Coales
L Strange

Officers: Ms H Sarcich Deputy CEO / Director Community
and Organisational Development
Dr K Parker Manager Governance and Strategy
Ms M Gibson Governance Officer – Council and Committees
(Minute Taker)

Apologies: Nil.

Observers: Angie Dominish, Senior Consultant, Price Consulting Group Pty Ltd

2. Petitions and Deputations:

Nil.

3. Declaration of Councillors and Officers interest:

Nil.



4. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:

4.1 Minutes of previous CEO Employment Committee Meetings

4.1.1 CEO Employment Committee –1 February 2021 [rescheduled 8 February 2021]

CEO009/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Atwell, seconded Cr Strange

That the minutes of the CEO Employment Committee Meeting held on 1 February 2021 [rescheduled 8 February 2021] be confirmed (E21/1549).

CARRIED UNANIMOUSLY 4/0

4.1.2 Special CEO Employment Committee – 31 May 2021

CEO010/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Strange, seconded Cr Atwell

That the minutes of the Special CEO Employment Committee Meeting held on 31 May 2021 be confirmed (E21/6117).

CARRIED UNANIMOUSLY 4/0



5. Reports for consideration:

5.1 Reports:

5.1.1 CEO Annual Review 2020/2021 (SJ2071)	
Responsible Officer:	Deputy CEO/ Director Community and Organisational Development
Senior Officer/s:	Deputy CEO / Director Community and Organisational Development
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The CEO Employment Committee is requested to recommend that Council endorse the CEO Annual Review for the 2020/2021 financial year.

Relevant Previous Decisions of Council and Committee

<p><i>CEO Employment Committee Meeting - 1 February 2021 [Rescheduled 8 February 2021]</i> - CEO004/02/21 - CEO EMPLOYMENT COMMITTEE RESOLUTION</p> <p><i>That the CEO Employment Committee recommends that Council:</i></p> <p><i>1. APPOINTS Price Consulting Group Pty Ltd, with the understanding that Angie Dominish be the consultant to work with Council to undertake the development of the Chief Executive Officer Key Performance Criteria, and the Annual Chief Executive Officer Performance Review as per the quotation contained within confidential attachment 1, subject to agreeance by the Chief Executive Officer for the years 2021 and 2022.</i></p>
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Background

The CEO Employment Committee Terms of Reference details the Committee's responsibility in regards to undertaking an annual assessment of the CEO's performance.

In January 2021, Council appointed Price Consulting Group Pty Ltd to support the CEO Employment Committee and the Chief Executive Officer to undertake the annual Chief Executive Officer review and the development of the key performance criteria for the years 2021 and 2022.

Community / Stakeholder Consultation

A series of sessions between Councillors, the CEO and Angie Dominish from Price Consulting Group have been undertaken as outlined in **CONFIDENTIAL attachment 2** and **CONFIDENTIAL attachment 1**.



Statutory Environment

Local Government Act (1995) Division 4 - Local government employees

5.38. *Annual review of employees' performance*

- (1) *A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- (2) *The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.*
- (3) *A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.*

Local Government (Administration) Regulations (1996) Division 3 - Standards for review of performance of CEO's.

16. *Performance review process to be agreed between local government and CEO*

- (1) *The local government and the CEO must agree on —*
 - (a) *the process by which the CEO's performance will be reviewed; and*
 - (b) *any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
- (2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
- (3) *The matters referred to in subclause (1) must be set out in a written document.*

17. *Carrying out a performance review*

- (1) *A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*
- (2) *The local government must —*
 - (a) *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; and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

18. *Endorsement of performance review by local government*

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. *CEO to be notified of results of performance review*

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) *the results of the review; and*
- (b) *if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.*



Shire of Serpentine Jarrahdale Standards for CEO Recruitment, Performance and Termination Division 3 - Standards for review of performance of CEO's, outlines the process to be undertaken in the review of the performance of the CEO.

Comment

Angie Dominish, Senior Consultant from Price Consulting Pty Ltd facilitated a series of workshops as an independent consultant to undertake the Chief Executive Officer annual review for 2020/2021 in discussion with Councillors and the CEO.

An assessment report providing an overview of the outcomes of the review process has been prepared by Price Consulting is included with this report as **CONFIDENTIAL attachment 1**.

A summary report including recommendations has been prepared by Price Consulting and is included with this report as **CONFIDENTIAL attachment 2**.

Options and Implications

Option 1

That the CEO Employment Committee recommend Council:

1. ENDORSES the recommendations as outlined in **CONFIDENTIAL attachment 2**; and
2. REQUESTS the Shire President write to Mr Paul Martin Chief Executive Officer, outlining the results of the Annual Review and provide a copy of the documents contained in **CONFIDENTIAL attachment 1** and **CONFIDENTIAL attachment 2**.

Option 2

That the CEO Employment Committee DOES NOT recommend Council endorse the recommendations as outlined in **CONFIDENTIAL attachment 2**.

Option 1 is recommended.

Conclusion

The CEO Employment Committee are requested to recommend Council endorse the recommendations as outlined in **CONFIDENTIAL attachment 2**.

Attachments (available under separate cover)

- **5.1.1 – CONFIDENTIAL attachment 1** – Price Consulting Pty Ltd - Assessment Report - CEO Annual Performance Review 2020 / 2021 (IN21/17538)
- **5.1.1 – CONFIDENTIAL attachment 2** – Price Consulting Pty Ltd - Summary Report to Council - CEO Performance Review 2020 / 2021 (IN21/17553)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative professional management of Shire operations to deliver the best outcome for the community within allocated resources.



Minutes – CEO Employment Committee Meeting –
2 August 2021 [Rescheduled 30 August 2021]

Financial Implications

Sufficient funds are available in the 2021 / 2022 Budget (1000-10100-6230-0000) to meet the costs of CEO annual review.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	Legislative Requirements not met	Price Consulting has advised Councillors of legislative requirements through the review process.	Organisational Performance	Rare	Minor	LOW	
2	CEO Dissatisfaction	CEO has been involved in the annual review process.	Organisational Performance	Rare	Minor	LOW	

Voting Requirements: Simple Majority*

*As the committee does not have delegated authority the resolution of the committee presented in the Officer's recommendation can be made by simple majority. In accordance with Schedule 2, Regulation 18 of the *Local Government (Administration) Regulations (1996)* Council's resolution related to this recommendation would require an Absolute Majority decision.

Officer Recommendation

That the CEO Employment Committee recommend Council:

1. ENDORSES the recommendations as outlined in CONFIDENTIAL attachment 2; and
2. REQUESTS the Shire President write to Mr Paul Martin Chief Executive Officer, outlining the results of the Annual Review and provide a copy of the documents contained in CONFIDENTIAL attachment 1 and CONFIDENTIAL attachment 2.



CEO011/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Strange, seconded Cr Byas

That the meeting be closed to members of the public while item 5.1.1 is discussed pursuant to section 5.23(2)(a) and (c) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 4/0

At 5:34pm, the meeting went behind closed doors.

Councillor Rich arrived at the meeting at 5.38pm.

CEO012/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Byas, seconded Cr Strange

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 5.41pm in order to further discuss item 5.1.1.

CARRIED UNANIMOUSLY 5/0

The following Officers left the Chambers at 5:41pm:

Ms H Sarcich.....Deputy CEO / Director Community and Organisational Development
Dr K ParkerManager Governance and Strategy
Ms M GibsonGovernance Officer – Council and Committees (Minute Taker)

CEO013/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Strange, seconded Cr Rich

That Standing Orders be reinstated at 6:01pm.

CARRIED UNANIMOUSLY 5/0

The following Officers returned to the Chambers at 6:03pm:

Ms H Sarcich.....Deputy CEO / Director Community and Organisational Development
Dr K ParkerManager Governance and Strategy
Ms M GibsonGovernance Officer – Council and Committees (Minute Taker)

CEO014/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Rich, seconded Cr Strange

That the meeting be reopened to members of the Public.

CARRIED UNANIMOUSLY 5/0

At 6:04pm, the doors were reopened to Members of the Public.



MOTION

Moved Cr Byas, seconded Cr Rich

That the CEO Employment Committee recommend Council:

1. ENDORSES the recommendations as outlined in CONFIDENTIAL attachment 2 incorporating the revisions to the remuneration requested by the Chief Executive Officer as detailed in correspondence from Mr Paul Martin, Chief Executive Officer on Monday, 9 August 2021; and
2. REQUESTS the Shire President write to Mr Paul Martin, Chief Executive Officer, outlining the results of the Annual Review and provide a copy of the documents contained in CONFIDENTIAL attachment 1 and CONFIDENTIAL attachment 2 as amended.

CEO015/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Rich, seconded Cr Strange

That the meeting be closed to members of the public while item 5.1.1 is discussed pursuant to section 5.23(2)(a) and (c) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 5/0

At 6:06pm, the meeting went behind closed doors.

CEO016/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Byas, seconded Cr Rich

That the CEO Employment Committee recommend Council:

1. ENDORSES the recommendations as outlined in CONFIDENTIAL attachment 2 incorporating the revisions to the remuneration requested by the Chief Executive Officer as detailed in correspondence from Mr Paul Martin, Chief Executive Officer on Monday, 9 August 2021; and
2. REQUESTS the Shire President write to Mr Paul Martin, Chief Executive Officer, outlining the results of the Annual Review and provide a copy of the documents contained in CONFIDENTIAL attachment 1 and CONFIDENTIAL attachment 2 as amended.

CARRIED 4/1

Reason for difference to Officer Recommendation

To reflect the employee's remuneration request.

Please note that the CEO Employment Committee does not have delegated authority to make decisions. All recommendations of the CEO Employment Committee are presented to Council for ratification.



CEO017/08/21

CEO EMPLOYMENT COMMITTEE RESOLUTION

Moved Cr Strange, seconded Cr Rich

That the meeting be reopened to members of the Public.

CARRIED UNANIMOUSLY 5/0

At 6:10pm, the doors were reopened to Members of the Public.

6. Urgent business:

Nil.

7. Closure:

There being no further business, the meeting closed at 6:11pm.

I certify that these minutes were confirmed at the CEO Employment Committee Meeting
held on .

.....
Presiding Member -

.....
Date