**Agenda**

**Special Council Meeting**

**27 June 2022**

**Notice of Meeting**

**To Mayor & Councillors**

A Special Meeting of the City of Nedlands is to be held on Monday, 27 June 2022 in the Council chambers at 71 Stirling Highway Nedlands commencing at 6pm for the purpose:

1. Adopting a CEO Performance Review Policy; and

2. Appointing a Chief Executive Officer.



Nicole Ceric

Executive Officer

23 June 2022

**Information**

Special Council Meetings are run in accordance with the City of Nedlands Standing Orders Local Law. If you have any questions in relation to items on the agenda, procedural matters, public question time, addressing Council or attending meetings please contact the Executive Officer on 9273 3500 or [council@nedlands.wa.gov.au](mailto:council@nedlands.wa.gov.au)

**Public Question Time**

Public question time at a Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member or Employee.

Questions should be submitted as early as possible via the online form available on the City’s website: [Public question time | City of Nedlands](https://www.nedlands.wa.gov.au/public-question-time)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

**Addresses by Members of the Public**

Members of the public wishing to address Council in relation to an item on the agenda must complete the online registration form available on the City’s website: [Public Address Registration Form | City of Nedlands](https://www.nedlands.wa.gov.au/public-address-registration-form)

The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on a Special Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

**Disclaimer**

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council’s position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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# Declaration of Opening

The Presiding Member will declare the meeting open at 6.00pm and will draw attention to the disclaimer on page 2.

# Present and Apologies and Leave of Absence (Previously Approved)

**Leave of Absence** Councillor O Combes Hollywood Ward

**(Previously Approved)**

**Apologies** Councillor H Amiry Coastal Districts Ward

# Public Question Time

Public questions submitted to be read at this point.

# Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Registration Forms to be made at this point.

# Disclosures of Financial Interest

The Presiding Member to remind Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

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.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

# Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Council Members and Staff of the requirements of Council’s Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

Council Members and staff are required, in addition to declaring any financial interests 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 procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x ….. I disclose that I have an association with the applicant (or person seeking a decision). This association is ….. (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

# Declarations by Members That They Have Not Given Due Consideration to Papers

Members who have not read the business papers to make declarations at this point.

# CPRC01.05.22 – Chief Executive Officer Performance Review Policy

|  |  |
| --- | --- |
| **Meeting & Date** | CEO Performance Review Committee Meeting – 24 May 2022  Special Council Meeting – 27 June 2022 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Shelley Mettam – Manager Human Resources |
| **Attachments** | 1. Chief Executive Officer Performance Review Policy |

**Purpose**

The CEO Recruitment and Selection Committee for the recruitment of the long-term CEO, requested in it its meeting of 12 May 2022 that the CEO Performance Review Committee meet in order that it may:

1. initiate a CEO Performance Review Policy (as per Guidelines) that can be cited in the CEO Employment Contract; and
2. prepare the CEO Performance Criteria based on the CEO Performance Criteria Comparisons (attachment 1) as tabled at the CEO Recruitment & Selection Committee Meeting on 12 May 2022 that can be cited in the Contract.

On the 21st, May 2022 the CEO Performance Review Committee were presented with a draft CEO Performance Review Policy for recommendation to Council for adoption.

Therefore, the purpose of this report is to provide Council with the CEO Performance Review Policy (attachment 1) for adoption and for inclusion in the Long- Term CEO Employment Contract for negotiation with the recommended candidate.

**CEO Performance Review Committee Recommendation / Recommendation**

**That Council adopts the CEO Performance Review Policy as per attachment 1.**

**Voting Requirement**

Simple Majority.

**Background**

The City of Nedlands is in the process of recruiting a Long-Term CEO. Following advertising, shortlisting and interviews, the CEO Recruitment and Selection Committee is finalising the process to select a candidate for recommendation to Council for endorsement and subsequent offer to the selected CEO.

Consistent with the advertised details of the role as well as the position description, the incoming recommended CEO will be offered an employment contract and identified performance criteria to establish the requirements of the role and establish the parameters that the CEO will work within. The employment contract must be compliant with the Local Government Act and associated criteria and establish a clear set of workable performance measures, consistent with the principles of the LG CEO Performance Standards.

The establishment of performance criteria in the form of key performance measures is a collaborative process with the incoming CEO, in order to establish meaningful and workable goals that include “buy-in” from the intended CEO.

**Discussion**

**CEO Performance Review Policy**

To ensure compliance with s.5.38(1) of the Local Government Act 1995, a local government must review the performance of the CEO if the CEO is employed for a term of more than one year.

The Standards for CEO Recruitment, Performance and Termination for review of performance of CEO’s are contained within the Local Government (Administration) Amendment Regulations 2021 and detail the statutory requirements for undertaking a CEO Performance Appraisals.

Division 3- Standards for review of performance of CEO’s sets out the minimum regulatory standards for undertaking the review. This policy facilitates Division 3 s.16(3) which requires the process to be set out in a written document.

The attached draft CEP Performance Review Policy incorporates these requirements and is provided for consideration and endorsement.

**Key Results Areas**

The Guidelines for Local Government Performance Review establish minimum standards for performance review, being:

1. Performance criteria is specific, relevant, measurable, achievable and time-based.
2. Performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and Council.
3. The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
4. The collection of evidence regarding performance outcomes is thorough and comprehensive.
5. Assessment is made free from bias and based on the CEO’s achievement against documented performance criteria, and decision and actions are impartial and transparent.
6. The council has endorsed the performance review assessment by absolute majority.

**Performance criteria**

The Guidelines state “the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of council”. They also note that it is important that the “outcomes associated with these tasks are measurable and clearly defined. These *could* be as follows:

* service delivery targets from the council’s Strategic Community Plan
* budget compliance
* organisational capability
* operational and project management
* timeliness and accuracy of information and advice to councillors
* management of organisational risks
* leadership (including conduct and behaviour) and human resource management
* stakeholder management and satisfaction
* implementation of council resolutions
* financial performance and asset management.

In 2021, the CEO Performance Review Committee developed proposed Key Performance Indicators related to the above criteria in application to the (then) CEO.

It is proposed that the Committee reappraises the criteria for potential discussion and application to the Long-Term CEO.

**Key Relevant Previous Council Decisions:**

CEO Performance Review Committee Meeting 23 February 2021

CEO Performance Review Committee Meeting 26 August 2021

CEO Key Results Areas Report – Key Issues and Next Steps

Committee Recommendation

That Council:

1. seek the Department of Local Government’s assistance to recommend:
2. an interim-CEO with a corporate governance and community leadership focus; and
3. a change-focused transformation lead Chief Operating Officer (COO) specialising in local government organisational reform.

1. commence the recruitment process for a long-term CEO six months after the above reform team is in place;

1. the current Council approved KRAs to be incorporated into the long-term CEO’s employment contract when recruited;

1. recommend the following change-focused KRAs for the interim CEO, putting the community at the centre of what we do:
   * Create, agree and implement an organization wide reform plan (with Council agreement to fund it);
   * Create and implement a communication and community engagement strategy;
   * Implement accurate and streamlined financial reporting (Inc planning for Underground Power);
   * Revise all processes and ensure right people are in the right job (Performance Management);
   * Implement accurate Governance controls;
   * Create a Corporate Business Plan.

1. council ensures the engagement of a senior Governance and Risk Officer is employed to assist Council.

**Consultation**

The draft CEO Performance Review Policy has been reviewed by the CEO Performance Review Committee and the CEO Recruitment & Selection Committee.

When drafting the policy administration as requested reviewed comparisons from other local governments (Harvey, Stirling, Busselton and Armadale) and from WALGA.

**Strategic Implications**

This item relates to the following elements from the City’s Strategic Community Plan.

**Vision** Our city will be an environmentally sensitive, beautiful and inclusive place.

**Values** **Great Governance and Civic Leadership**

We value our Council’s quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community’s assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

A majority of the KRAs are key components of the Integrated Planning and Reporting Framework. Once complete, the City can progress a robust review of the Strategic Community Plan and revisit the City’s vision and aspirations.

The key benefit on all listed actions is the improvement of service delivery to the Community and increase transparency.

The required changes are a major reform program for the City, and this will

need very tightly managed with clear risk mitigation at every level. The risks of change to core systems are the most significant and highest risk and this would be mitigated by a focused team and effective risk management.

**Budget/Financial Implications**

The CEO Performance Review is required annually under section 5.38 of the *Local Government Act 1995* and includes the setting of key results areas to apply to the CEO.

Within existing budget.

**Legislative and Policy Implications**

The CEO Recruitment & Selection process is done in accordance with the Local Government Act 1995. The Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination outline the recommended practice for local governments in undertaking these processes and will assist local governments in meeting the model standards prescribed in the Local Government (Administration) Amendment Regulations 2021.

**Recruitment and Selection Standard**

The minimum standard for recruitment and selection will be met if:

**S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.

**S1.2** The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.

**S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.

**S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.

**S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.

**S1.6** The local government has verified the recommended applicant’s work history, qualifications, referees and claims made in their job application.

**S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

**S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.

**S1.9** The council has endorsed by absolute majority the final appointment.

**S1.10** The council has approved the employment contract by absolute majority.

**S1.11** The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

**Decision Implications**

Adoption of the CEO Performance Review Policy for inclusion in the CEO’s Employment Contract will assist the Chief Executive Officer meet both Council’s statutory obligations in accordance with the provisions of Section 5.38(1) of the Local Government Act 1995 and any terms and conditions of the employment contract.

It is a requirement of the regulations that the process by which the CEO’s performance will be reviewed is documented and agreed to by both parties. Therefore, by adopting the CEO Performance Review Policy and it being cited in the CEO employment contract for negotiations with the preferred candidate would fulfil this requirement.

**Conclusion**

Therefore, to ensure the progression of the CEO recruitment process and the Performance Review of the appointed CEO the Committee now recommends Council adopt the CEO Performance Review Policy for inclusion in the contract for the long term Chief Executive Officer.

# CRSC05.06.22 CONFIDENTIAL - Chief Executive Officer Employment Contract

Confidential Report circulated separately to Council Members.

# CRSC06.06.22 CONFIDENTIAL – Chief Executive Officer Appointment

Confidential Report circulated separately to Council Members.

# Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.