

Minutes

CHIEF EXECUTIVE OFFICER REVIEW COMMITTEE

28 AUGUST 2019

*By signing these minutes I certify that they were confirmed at the Chief Executive Officer
Review Committee Meeting held on _____*

CHAIRPERSON

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MINUTES

MINUTES of the meeting of the Chief Executive Officer Review Committee which was held in Committee Room, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **28 August 2019** commencing at 6:56pm.

Committee Recommendations to Council are subject to adoption, or otherwise, at the following Ordinary Meeting of Council, as recorded in Minutes of that Council Meeting.

1. OFFICIAL OPENING

The Chairperson, Cr Dan Bull, Mayor, declared the meeting open at 6:56pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Cr Dan Bull, Mayor, acknowledged the Traditional Custodians of the land, the Whadjuk people of the Noongar nation, and paid respects to Elders past, present and emerging.

3. ATTENDANCE

Members

Cr Dan Bull, Mayor
Cr Filomena Piffaretti
Cr Lorna Clarke
Cr Catherine Ehrhardt

Officers

Mr Andrew Brien, Chief Executive Officer
Ms Cassandra Flanigan, Executive Support/Research Officer

Observers

Nil

3.1 Apologies

Cr Chris Cornish, Deputy Mayor

3.2 Approved Leave of Absence

Nil.

4. DISCLOSURE OF INTEREST SUMMARY

In accordance with section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

The following disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Mr Andrew Brien, Chief Executive Officer	9.1	Financial	The item relates to my annual performance review for 2018/19.

5. DELEGATED AUTHORITY BY COUNCIL

There are no items appearing in this minutes for which the Chief Executive Officer Review Committee has been granted delegated authority by Council in accordance with section 5.23(1)(b) of the *Local Government Act 1995*; this meeting is closed to the Public.

6. TERMS OF REFERENCE

The purpose of the Chief Executive Officer Review Committee is to assess the CEO performance against the agreed key performance indicators which are to be agreed on an annual basis.

7. CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

The Minutes of the Chief Executive Officer Review Committee held on 2 July 2019 which had been distributed, are to be presented for confirmation as a true and correct record.

CR FILOMENA PIFFARETTI MOVED, CR CATHERINE EHRHARDT SECONDED
CARRIED UNANIMOUSLY: 4/0

8. PRESENTATIONS

8.1 Presentations

Ms Angie Dominish of Price Consulting presented the Confidential Assessment Report for the Chief Executive Officer Annual Performance Review for 2018/19.

8.2 Deputations

Nil.

9. REPORTS

9.1 Recommendations - Chief Executive Officer Annual Review 2018/19

Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	Confidential Attachment 1. Confidential Assessment Report - Chief Executive Officer Annual Performance Review 2018/19 2. Confidential Summary Report – Chief Executive Officer Annual Performance Review 2018/19	
Refer:	CEORC 26.03.19 Item 9.3 CEORC 02.07.19 Item 9.1	

Confidential Attachment(s) – in accordance with Section 5.23(2) (b) of the Local Government Act 1995 – personal affairs of any person.

MR ANDREW BRIEN, CHIEF EXECUTIVE OFFICER, DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995 Mr Andrew Brien, Chief Executive Officer, declared a financial interest in this item as it relates to his annual performance review for 2018/19. At 6:57pm, Mr Andrew Brien withdrew from the meeting.

SUMMARY

For Council to consider the recommendations of the Chief Executive Officer Review Committee in relation to the 2018/19 Chief Executive Officer Annual Performance Review.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council accepts the recommendations contained in the confidential 2018/19 Chief Executive Officer Annual Performance Review report.

CR LORNA CLARKE MOVED, CR CATHERINE EHRHARDT SECONDED

CARRIED UNANIMOUSLY: 4/0

At 7:02pm, Mr Andrew Brien returned to the meeting.

BACKGROUND

At the Chief Executive Officer Review Committee Meeting on 26 March 2019, the Committee resolved the following:

“That Council:

1. Authorise the Chief Executive Officer to seek three quotes for the appointment of an independent facilitator to assist with the undertaking of the annual performance review for 2018/19; and
2. Authorise the Chief Executive Officer Review Committee to engage the preferred consultant.”

The above resolution was endorsed at the Ordinary Council Meeting of 9 April 2019.

The Manager People, Culture and Safety consulted with the Mayor to obtain quotes and assess the shortlisted consultants to ensure that the Chief Executive Officer was not involved in the selection and appointment process.

At the Chief Executive Officer Review Committee Meeting on 2 July 2019, the Committee appointed Price Consulting as independent facilitator to assist with the undertaking of the Chief Executive Officer annual performance review for 2018/19.

Councillors met with the consultant on 27 August 2019 to discuss the Chief Executive Officer's performance for 2018/19 prior to formal consideration by the Committee.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

Following discussion with Council, the Consultant has prepared the attached confidential report detailing the Chief Executive Officer Performance Review for the 2018/19 year and providing recommendations for consideration by Council.

LEGISLATIVE COMPLIANCE

The recommendation is consistent with the conditions of the Chief Executive Officer's Contract of Employment.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council resolves to accept the recommendations contained in the 2018/19 Chief Executive Officer Annual Performance Review report.		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Low	
Reputation	Low	Low	
Governance	Low	Low	
Community and Stakeholder	Moderate	Low	
Financial Management	Low	Low	
Environmental Responsibility	Low	Low	
Service Delivery	Low	Low	
Organisational Health and Safety	Low	Low	
Conclusion	The adoption of the recommendations contained in the 2018/19 Chief Executive Officer Annual Performance Review report is consistent with the considerations made by the Chief Executive Officer Review Committee.		

Option 2	That Council resolves to vary recommendations contained in the 2018/19 Chief Executive Officer Annual Performance Review report.		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Low	
Reputation	Low	Low	
Governance	Low	Moderate	
Community and Stakeholder	Moderate	Low	
Financial Management	Low	Low	
Environmental Responsibility	Low	Low	
Service Delivery	Low	Low	
Organisational Health and Safety	Low	Low	

Conclusion	This options presents a slightly higher governance risk as any change to the recommendations made by the Chief Executive Officer Review Committee will not have had the opportunity to be discussed or considered by the Committee.
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Option 3	That Council resolves to not accept the recommendations contained in the 2018/19 Chief Executive Officer Annual Performance Review report.
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Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	High
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This options presents a higher risk to reputation and strategic direction as Council will have failed to undertaken an annual performance review for the Chief Executive Office and is inconsistent with the provisions of the Chief Executive Officer's Employment Contract.	

FINANCIAL IMPLICATIONS

Sufficient funding is available in the salaries and wages budget to accommodate the proposed salary increase recommended by the Committee.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance
 Aspiration: Open, accountable and responsive service
 Outcome L3: Strong stewardship and leadership

CONCLUSION

The Chief Executive Officer Review Committee has undertaken the annual performance review of the Chief Executive Officer for the 2018/19 year and has provided recommendations to Council.

10. PREVIOUS MATTERS DEALT WITH NOT ON THE MINUTES

Reconciliation of matters arising from past meetings:

Nil.

11. GENERAL BUSINESS

Nil.

12. CONFIDENTIAL ITEMS

Nil.

13. NEXT MEETING

The next meeting of the Chief Executive Officer Review Committee will take place in the Committee Room, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on a date to be advised following the 2019 Local Government elections.

14. CLOSURE

There being no further business to discuss, the Chairperson, Cr Dan Bull, Mayor declared the meeting closed at 7:02pm.