

**NOTICE OF A SPECIAL MEETING OF COUNCIL**

Dear Council Member

A Special Meeting of Council will be held in Council Chambers on **Thursday 8 February 2024** commencing at 5.30pm, called to consider selection of a Consultant to Facilitate the CEO Performance Review Process.

Signed by Nicole Gibbs  
Chief Executive Officer



Date

2 February 2024

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## **AGENDA**

For the Special Meeting of Council to be held in the Council Chambers on **Thursday 8 February 2024** commencing at 5.30pm, called to consider selection of a Consultant to Facilitate the CEO Performance Review Process.

### **Opening of Meeting**

*Meeting to be opened by the Presiding Member*

### **Acknowledgment of Country**

*We acknowledge the cultural custodians of the land on which we gather, the Pibulmun-Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.*

### **Attendance & Apologies**

President	- Cr J Mountford
Councillors	- S Mahoney (Deputy)
	- J Boyle
	- M Christensen
	- M Fletcher
	- T Lansdell
	- L Pearce
	- A Pratico
	- R Redman
Officers	- N Gibbs, Chief Executive Officer
	- M Larkworthy, Director Corporate Services
	- N Thompson, Infrastructure Services Administration Officer

### **Attendance of Gallery**

### **Public Question Time**

*Note: At Special Council Meetings questions must relate to the items on the Agenda.*

### **Petitions/Deputations/Presentations**

### **Comments on Agenda Items by Parties with an Interest**

### **Notification of Disclosures of Interest**

Part 5, Division 6 of the *Local Government Act 1995* requires a member who has an interest in any matter to be discussed at the meeting to disclose the interest and the nature of the interest in writing before the meeting, or immediately before the matter is discussed.

## **Business Items**

<b>ITEM NO.</b>	SpC.01/0224	<b>FILE REF.</b>	221.1
<b>SUBJECT</b>	Selection of Consultant to Facilitate CEO Performance Review Process		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Admin Support Officer		
<b>DATE OF REPORT</b>	2 February 2024		

### **OFFICER RECOMMENDATION**

*That David Kerr be appointed to facilitate the CEO performance review process for the CEO 6 Month Performance Review and set KPIs for the CEO Annual Review.*

### **Summary/Purpose**

The CEO Performance Review Committee has conducted a process in which it sought proposals/quotes from four shortlisted consultants that carry out facilitation of local government CEO performance reviews. After assessing the proposals, the Committee has recommended the appointment of David Kerr.

### **Background**

The CEO Performance Review Committee has met on two occasions to discuss options for facilitation of the next performance review process. Initially the Committee made the determination to seek written proposals/quotes from 4 shortlisted consultants that have experience in conducting local government CEO performance reviews. At the second meeting the 4 proposals were assessed with the Committee recommending the appointment of David Kerr.

The proposed methodology of the performance review process will be:

### **PART 1 – PERFORMANCE REVIEW – COMPLETION**

- a) Work with the Performance Review Committee (PRC) to review the performance of the shire CEO against key criteria from her contract.
  - Consultant will work with the Shire President and Cr Christensen to choose relevant criteria to present to the PRC for approval - Completion by 23 Feb 2024.
- b) Conduct performance review with PRC:
  - Review and send out spreadsheet for members to score performance and then collate results.
  - Seek CEO feedback on collated results.
  - Finalise review and prepare report to submit to Council with recommendations for CEO Contract Renewal by Thursday 21 March 2024 for inclusion in the March Ordinary Council Meeting Agenda scheduled for Thursday 28 March 2024.

### **PART 2 – DEVELOPING KPIs FOR ANNUAL PERFORMANCE REVIEWS**

- a) Work with PRC to develop KPIs for annual review (April 2024 – Mar 2025).
  - Cr Christensen to prepare first draft, consultant to continue.
  - KPIs to be approved by PRC first, then CEO, with consensus to be reached between both parties.

- Finalise KPIs to submit to Council for approval by Thursday 21 March 2024 for inclusion in the March Ordinary Council Meeting Agenda scheduled for Thursday 28 March 2024.

### Officer Comment

#### *Local Government Act 1995*

Clause 5.38(1) requires an annual performance assessment to be undertaken.

#### *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.

### Integrated Planning

- Strategic Community Plan
  - Outcome 13 Proactive, visionary leaders who respond to community needs
    - Objective 13.1 Strengthen leadership and advocacy
  - Outcome 14 Effective governance and financial management
    - Objective 14.1 Achieve excellence in organisational performance and service delivery
  - Outcome 16 An engaged and effective workforce
    - Objective 16.1 Attract, train, develop and retain an effective workforce

- Corporate Business Plan  
Although the Corporate Business Plan contains many actions that are relevant to the annual performance review of the CEO none are specific to the review process itself.
- Long Term Financial Plan - Nil
- Asset Management Plans – Not Applicable
- Workforce Plan - Nil
- Other Integrated Planning - Nil

#### Budget Implications

The cost of engaging the consultant will be approximately \$4,920 (inc GST).

#### Whole of Life Accounting - Nil

#### Risk Management

The CEO is the only employee the Council is able to direct. Therefore the review of the performance of that employee is of critical importance to the performance and direction of the whole organisation. Not using an external facilitator could place a significant administrative burden on Committee Members, delay completion of the performance review and remove access to independent advice and guidance.

The level of risk to the Shire of Bridgetown-Greenbushes is in the areas of reputation and have been assessed as “insignificant consequence” with a “rare likelihood” giving a risk rating outcome of “low” in accordance with Council Policy F.21 ‘Risk Management’.

#### Voting Requirements – Simple Majority

#### **Closure**

*The Presiding Member to close the meeting.*

#### **List of Attachments - Nil**