

## 19.2 EXECUTIVE

### 19.2.1 CEO Performance Review – Mid Year Review – **CONFIDENTIAL**

**Council Meeting:** 20 March 2023  
**Author's Title:** Manager People and Culture **File No.:** 5-47  
**Directorate:** Executive/Council Members

#### **Annexures:**

A – CEO Mid-Year Review Minutes  
B – External Independent Advisor Notes  
C – CEO KPI's 2022/23 Progress Report  
D – CEO Development Plan 2022/23 Progress Report  
E – Legacy Report as of 19 January 2023

#### **Officer Direct or Indirect Conflict of Interest:**

*In accordance with Local Government Act 1999,  
Section 120*

Yes  No

#### **Status:**

*Information classified confidential under  
Section 90(2) of the Local Government Act*

Yes  No

**Reason** – This report is regarding the performance of the Chief Executive Officer

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## RECOMMENDATION

Pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of Sue King; Manager People and Culture for Agenda Item 19.1.1 – CEO Performance Review – Mid Year Review.

The Council is satisfied that pursuant to Sections 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item:

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because on balance it would be contrary to the public interest as information regarding the Chief Executive Officer's employment is to be discussed and disclosed.

## **PURPOSE**

For the Council to note the minutes from the Chief Executive Officer Review Panel Meeting held on 6 February 2023 and note the progress of the Chief Executive Officer against KPI's and Development Plan for 2022/23 and Legacy issues.

## **SUMMARY**

**Annexure "A"** to this report, minutes from the Chief Executive Officer's mid-year review held on 6 February 2023.

**Annexure "C"** to this report, is a summary of achievements of the Chief Executive Officer's KPIs for the first half of 2023.

**Annexure "D"** to this report, is a summary of progress against the Chief Executive Officer's Development Plan during the first half of 2023.

**Annexure "E"** to this report, is a Legacy Issues update as at 19 January 2023.

## **RECOMMENDATION**

### **Council:**

- 1. note the Minutes of the Chief Executive Review Panel Meeting held on 6 February 2023 (Annexure "A"), inclusive of Council-appointed External Independent Advisor notes (Annexure "B");**
- 2. note the progress made by the Chief Executive Officer to date, in relation to the achievement of the Chief Executive Officer's Key Performance Indicators for 2022/23 (Annexure "C") and Development Plan for 2022/23 (Annexure "D"); and**
- 3. note the progress made by the Chief Executive Officer as of 19 January 2023 regarding Legacy issues (Annexure "E").**

## 19.2.1 CEO Performance Review – Mid Year Review – **CONFIDENTIAL**

### **REPORT**

#### **BACKGROUND**

At its meeting on 15 August 2022, Council adopted the Key Performance Indicators 2022/23 for the Chief Executive Officer that align with the Council's Strategic Plan and Annual Business Plan and Budget, and the Chief Executive Officer's Development Plan for 2022/23.

#### **DISCUSSION**

The establishment of Key Performance Indicators (in line with Section 6.1 of the Chief Executive Officer's contract of employment), in conjunction with the adoption of the Executive Performance Management Framework (EPMF), provides the mechanism for Council to review the performance of the Chief Executive Officer biannually, mid-year review and end of year review.

In addition, at the mid-year review the Chief Executive provided an update on progress made against legacy issues.

The Council plays a key role in the annual performance review of the CEO.

- This annual process is a requirement of the *Local Government Act 1999*, which also includes a requirement that the Council obtain and consider the advice of a qualified independent external person when undertaking the review.
- Council has appointed Ms Felicity-ann Lewis under a three-year professional services contract (until the conclusion of the 2023/24 review) as the independent qualified person to provide advice to the review panel.

**Financial Implications** – Nil

#### **Strategic Plan**

The performance of the Chief Executive Officer and the organisation at large underpin the delivery of the Council's Strategic Plan.

#### **Legislation**

*Local Government Act 1999*

**Officer Direct or Indirect Interest** – Nil

**Risk Assessment** – Not applicable

**Social Considerations** – Not applicable

**Community Engagement** – Not applicable

**Environmental Implications** – Not applicable

**Communication** – Not applicable

**Conclusion**

It is considered that the Chief Executive Officer is making satisfactorily progress in relation to the achievement of Key Performance Indicators and Development Plan for 2022/23, the Legacy issues and 360-degree feedback conducted as part of the 2021/22 CEO end of year review.

## 19.2 Executive

### 19.2.1 CEO Performance Review – Mid Year Review – Confidential

*Mr J Commons; Chief Executive Officer declared an actual conflict of interest in relation to Agenda Item 19.2.1 “CEO Performance Review – Mid Year Review”, as this relates to his performance in the position of Chief Executive Officer and advised that he would leave the meeting at the time of discussion for this item.*

Moved Cr Simpson, seconded Cr Westerman

#### **C4688-2023**

Pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of Kathy Jarrett; Director Corporate Services and Michelle Armstrong; Executive Co-ordinator – CEO and Mayor for Agenda Item 19.2.1 – CEO Performance Review – Mid Year Review.

The Council is satisfied that pursuant to Sections 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item:

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because on balance it would be contrary to the public interest as information regarding the Chief Executive Officer’s employment is to be discussed and disclosed.

**Carried**

Moved Cr Simpson, seconded Cr Borda

#### **C4689-2023**

Council:

1. note the Minutes of the Chief Executive Review Panel Meeting held on 6 February 2023 (Annexure “A”), inclusive of Council-appointed External Independent Advisor notes (Annexure “B”);
2. note the progress made by the Chief Executive Officer to date, in relation to the achievement of the Chief Executive Officer’s Key Performance Indicators for 2022/23 (Annexure “C”) and Development Plan for 2022/23 (Annexure “D”); and
3. note the progress made by the Chief Executive Officer as of 19 January 2023 regarding Legacy issues (Annexure “E”).

**Carried**