



Chief Executive Officer Performance Review Committee

AGENDA

to be held on
27 February 2020
commencing at **6:00pm**
at the EMRC Administration Office
1st Floor, 226 Great Eastern Highway
BELMONT WA 6104

Meeting Room: Training Room 1

*** Please note that light refreshments will be served***

**EASTERN METROPOLITAN REGIONAL COUNCIL
CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (CEOPRC) MEETING**

NOTICE OF MEETING

Dear CEOPRC Members

I wish to advise that a meeting of the CEOPRC will be held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Belmont WA 6104 on **27 February 2020** commencing at **6:00pm**.



MARCUS GEISLER
Chief Executive Officer

21 February 2020

Please Note

If any Member/officer has a **query regarding a report item** or requires additional information in relation to a report item, please **contact the responsible Officer** (SOURCE OF REPORT) prior to the relevant Committee meeting.

CEOPRC Committee Members

Cr Jai Wilson
Cr Lorna Clarke
Cr Janet Powell
Cr Dylan O'Connor
Cr John Daw
Cr Mel Congerton

Town of Bassendean
City of Bayswater
City of Belmont
City of Kalamunda
Shire of Mundaring
City of Swan

No CEOPRC Deputies

CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (CEOPRC)

AGENDA

27 February 2020

(Ref: D2020/00465)

TABLE OF CONTENTS

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	1
2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	1
3	DISCLOSURE OF INTERESTS	1
4	ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION	1
5	ELECTION OF CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE CHAIRMAN AND DEPUTY CHAIR	2
	5.1 <i>ELECTION OF A CHAIRMAN OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (Ref: D2020/00900)</i>	2
	5.2 <i>ELECTION OF A DEPUTY CHAIRMAN OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (Ref: D2020/00893)</i>	10
6	PETITIONS, DEPUTATIONS AND PRESENTATIONS	16
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	16
	7.1 <i>MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD 17 OCTOBER 2019 (Ref: D2019/14658)</i>	
8	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	16
9	QUESTIONS BY MEMBERS WITHOUT NOTICE	16
10	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC	16
	10.1 <i>SELECTION OF FACILITATOR FOR THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS (Ref: D2020/00467)</i>	16
	10.2 <i>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS FOR 2020 (Ref: D2020/01385)</i>	16
11	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING	16
12	REPORTS OF EMPLOYEES	17
13	REPORTS OF DELEGATES	17
14	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING	17
15	CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	17
	15.1 <i>SELECTION OF FACILITATOR FOR THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS (Ref: D2020/00467)</i>	17
	15.2 <i>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS FOR 2020 (Ref: D2020/01385)</i>	17
16	FUTURE MEETINGS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE	18
17	DECLARATION OF CLOSURE OF MEETING	18



- 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

- 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

- 3 DISCLOSURE OF INTERESTS**

- 4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION**



5 ELECTION OF A CHAIRMAN AND DEPUTY CHAIRMAN OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

5.1 ELECTION OF A CHAIRMAN OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (CEOPRC)

REFERENCE: D2020/00893

PURPOSE OF REPORT

The purpose of this report is to provide for an election to be conducted for the Office of Chairman of the Chief Executive Officer Performance Review Committee (CEOPRC).

KEY POINTS AND RECOMMENDATION(S)

- It is a statutory requirement that the Committee elect a Chairman at the first meeting of the CEOPRC after an Ordinary Council elections day.

Recommendation(s)

That the members of the Chief Executive Officer Performance Review Committee elect a Chairman.

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

At the Special Meeting of Council held on Thursday 4 November 2019, the EMRC Chairman and Deputy Chairman were elected and members to the EMRC Committees were appointed.

CEOPRC MEMBERS 2019 - 2021

The following members were appointed to the CEOPRC at the Special Meeting of Council held on 4 November 2019:

EMRC Member	Cr Jai Wilson	Town of Bassendean
EMRC Member	Cr Lorna Clarke	City of Bayswater
EMRC Member	Cr Janet Powell	City of Belmont
EMRC Member	Cr Dylan O'Connor	City of Kalamunda
EMRC Member	Cr John Daw	Shire of Mundaring
EMRC Member	Cr Mel Congerton	City of Swan

In accordance with section 5.12(1) of the *Local Government Act 1995* (the Act) the members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1.

It is a requirement of Schedule 2.3 of the Act that the election is conducted by the Chief Executive Officer (CEO) and the nominations for the Office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

The procedure outlined in Schedule 2.3 of the Act will be followed if there is an equality of votes.



Item 5.1 continued

REPORT

The CEO will preside at the meeting until the Office of Chairman of the CEOPRC is filled.

The following material accompanies the agenda for this meeting as a means of assisting members of the Committee to nominate themselves or another member for the Office of Chairman of the CEOPRC:

1. Chief Executive Officer Performance Review Committee Terms of Reference
2. A blank nomination form for the Office of Chairman of the CEOPRC, nominate oneself
3. A blank nomination form for the Office of Chairman of the CEOPRC, nominate another
4. A blank ballot paper for Election of Chairman of the CEOPRC

Ballot papers will be made available prior to voting.

The completed nomination forms are to be given to the CEO before the meeting or when the CEO calls for them when dealing with this item at the meeting.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Chief Executive Officer Performance Review Committee.

Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	



Item 5.1 continued

ATTACHMENT(S)

1. Chief Executive Officer Performance Review Committee Terms of Reference (Ref: D2020/00895)
2. A blank nomination form for the Office of Chairman of the CEOPRC, nominate oneself (Ref: D2020/0086)
3. A blank nomination form for the Office of Chairman of the CEOPRC, nominate another (Ref: D2020/0086)
4. Ballot Paper – Election of CEOPRC Chairman (Ref: D2020/00897)

VOTING REQUIREMENT

Secret Ballot

RECOMMENDATION(S)

That the members of the Chief Executive Officer Performance Review Committee elect a Chairman.

TERMS OF REFERENCE

CHIEF EXECUTIVE OFFICERS PERFORMANCE REVIEW COMMITTEE

1. OBJECTIVES OF COMMITTEE

The Chief Executive Officers Performance Review Committee (CEOPRC) is a formally appointed committee of Council and is responsible to that body. It has been established to conduct an annual review of the Chief Executive Officer's (CEO) performance, remuneration, contract terms and conditions, with the assistance of an external facilitator.

2. RESPONSIBILITIES

To ensure that the review of performance of the Chief Executive Officer (CEO) for the EMRC is undertaken in accordance with the provisions of the *Local Government Act (1995)* and *Local Government (Administration) Regulations 1996* and EMRC's policies.

3. DUTIES

The duties of the Committee will include the following:

- (a) Review the Chief Executive Officer's (CEO) performance with the appropriate provisions contained within the CEO's Contract of Employment and agreed performance objectives;
- (b) Prepare and table the concluded Performance Review Report to the Council for consideration and actioning;
- (c) Review the CEO's performance on an on-going basis if the Council or the CEO perceives that there is a need to do so;
- (d) Determine the Performance Objectives to be met by the CEO for the following year and refer them to Council for consideration and actioning;
- (e) Review the CEO's remuneration package, in accordance with the appropriate provisions of the CEO's Contract of Employment and refer the recommendations to Council for consideration and actioning;
- (f) Review the CEO's Contract of Employment and make recommendations to council in relation to varying the contract as and when necessary; and
- (g) Appoint a consultant to assist it in its functions.

4. MEMBERSHIP

- 4.1. The Committee will comprise of six Councillors.
- 4.2. The Committee will have no deputy members.
- 4.3. Members will be appointed for a period of two years following each ordinary Council election.

5. MEETINGS

- 5.1. The Committee shall hold regular meetings at such times and on such days as the Council may determine by resolution.
- 5.2. Additional meetings will be convened at the discretion of the Chairperson.

6. OPERATING PROCEDURES

- 6.1. All meetings of the Committee are to be conducted in accordance with the *Local Government Act 1995*, associated Regulations and the *EMRC Standing Orders Local Law 2013*.
- 6.2. A quorum for a meeting of the Committee shall be at least 50% of the number of offices (whether vacant or not) of member of the Committee.
- 6.3. Voting
 - (a) All decisions of the Committee shall be made on the basis of a simple majority decision of the members present or, if another kind of majority has been prescribed by regulations for the particular kind of decision, by that kind of majority.
 - (b) If the decision results in a tied vote, the person presiding is to cast a second vote.
 - (c) Persons other than Committee members are not entitled to cast a vote.
 - (d) All other aspects related to voting procedure shall be consistent with relevant sections of the *EMRC Standing Orders Local Law 2013*.
- 6.4 Other EMRC staff may attend meetings, at the discretion of the Chief Executive Officer, to provide advice and information when required.

7. REPORTING

- 7.1. The Committee shall after every meeting forward the minutes of that meeting to the next Ordinary Meeting of Council, including a report explaining any specific recommendations and key outcomes.
- 7.2. The item of Council business referred to in relation to this is to be treated as confidential in accordance with s5.23(2) of the *Local Government Act 1995*, r14(2) of the *Local Government (Administration) Regulations 1996*, Standing Orders Bylaw 5.3 and Council's Policy for dealing with confidential items.

8. DELEGATED POWER

- 8.1. The Committee has no delegated powers and no authority to implement its recommendations.

Related Documentation:

Policy 2.1 Committees of Council

Policy 4.1 Chief Executive Officer - Appointment, Performance Assessment and Review Policy

Policy 1.5 Council Meeting Agenda/Minutes Confidential/Late Items

EMRC Standing Orders Local Law 2013

EMRC Code of Conduct

Administration:

Adopted / Reviewed by Council:	23 September 2010 18 September 2014 06 December 2018
Next Review:	Following the Ordinary Elections in 2021
Responsible Directorate	Corporate Services



Nomination for Chairman of the Chief Executive Officer Performance Review Committee

To the Chief Executive Officer

I hereby nominate myself, _____ for the position of Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Performance Review Committee for the term of Office commencing on the date of the election and continuing until the next ordinary elections day and/or other circumstances occur in accordance with section 5.11 of the *Local Government Act 1995*.

Signed: _____

Date: _____



Nomination for Chairman of the Chief Executive Officer Performance Review Committee

To the Chief Executive Officer

I hereby nominate _____ for the position of Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Performance Review Committee for the term of Office commencing on the date of the election and continuing until the next ordinary elections day and/or other circumstances occur in accordance with section 5.11 of the *Local Government Act 1995*.

Signed: _____

Date: _____

*I _____ hereby certify that I accept the above nomination to the position of Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Performance Review Committee.

Signed: _____

Date: _____

*This certificate is to be completed when a Representative is nominated by another Representative.



**Eastern Metropolitan Regional Council
CEOPRC
Thursday 27 February 2020**

**BALLOT PAPER FOR THE
ELECTION OF THE CEOPRC CHAIRMAN**

HOW TO VOTE

Place a tick in the box next to the candidate you want to elect.

Do not make any other marks on the ballot paper.

First Name, Last Name

First Name, Last Name

First Name, Last Name



5.2 ELECTION OF A DEPUTY CHAIRMAN OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (CEOPRC)

REFERENCE: D2020/00900

PURPOSE OF REPORT

The purpose of this report is to provide for an election to be conducted for the Office of Deputy Chairman of the Chief Executive Officer Performance Review Committee (CEOPRC).

KEY POINTS AND RECOMMENDATION(S)

- In accordance with section 5.12 (2) of the *Local Government Act 1995*, the members of a committee may elect a deputy presiding member from amongst themselves.

Recommendation(s)

That the members of the Chief Executive Officer Performance Review Committee elect a Deputy Chairman.

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

At the Special Meeting of Council held on Thursday 4 November 2019, the EMRC Chairman and Deputy Chairman were elected and members to the EMRC Committees were appointed.

CEOPRC MEMBERS 2019 - 2021

The following members were appointed to the CEOPRC at the Special Meeting of Council held on 4 November 2019:

EMRC Member	Cr Jai Wilson	Town of Bassendean
EMRC Member	Cr Lorna Clarke	City of Bayswater
EMRC Member	Cr Janet Powell	City of Belmont
EMRC Member	Cr Dylan O'Connor	City of Kalamunda
EMRC Member	Cr John Daw	Shire of Mundaring
EMRC Member	Cr Mel Congerton	City of Swan

In accordance with section 5.12(2) of the *Local Government Act 1995* (the Act) the members of a committee may elect a deputy presiding member from amongst themselves.

It is a requirement of Schedule 2.3 of the Act that the election of the Deputy Chairman is conducted by the Chairman and the nominations for the Office are to be given to the Chief Executive Officer (CEO) in writing before the meeting or the Chairman during the meeting before the close of nominations. Furthermore, if a member is nominated by another member, the Chairman is not to accept the nomination unless the nominee has advised the Chairman, orally or in writing, that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

The procedure outlined in Schedule 2.3 of the Act will be followed if there is an equality of votes.



Item 5.2 continued

REPORT

The following material accompanies the agenda for this meeting as a means of assisting members of the Committee to nominate themselves or another member for the Office of Deputy Chairman of the CEOPRC:

1. A blank nomination form for the Office of Deputy Chairman of the CEOPRC, nominate oneself
2. A blank nomination form for the Office of Deputy Chairman of the CEOPRC, nominate another
3. A blank ballot paper for Election of Deputy Chairman of the CEOPRC

Ballot papers will be made available prior to voting.

The completed nomination forms are to be given to the CEO before the meeting or when called for by the Chairman when dealing with this item at the meeting.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Chief Executive Officer Performance Review Committee.

Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

1. A blank nomination form for the Office of Deputy Chairman of the CEOPRC, nominate oneself (Ref: D2020/00902)
2. A blank nomination form for the Office of Deputy Chairman of the CEOPRC, nominate another (Ref: D2020/00902)
3. Ballot Paper – Election of CEOPRC Deputy Chairman (Ref: D2020/00903)



Item 5.2 continued

VOTING REQUIREMENT

Secret Ballot

RECOMMENDATION(S)

That the members of the Chief Executive Officer Performance Review Committee elect a Deputy Chairman.



Nomination for Deputy Chairman of the Chief Executive Officer Performance Review Committee

To the Chief Executive Officer

I hereby nominate myself, _____ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Performance Review Committee for the term of Office commencing on the date of the election and continuing until the next ordinary elections day and/or other circumstances occur in accordance with section 5.11 of the *Local Government Act 1995*.

Signed: _____

Date: _____



Nomination for Deputy Chairman of the Chief Executive Officer Performance Review Committee

To the Chief Executive Officer

I hereby nominate _____ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Performance Review Committee for the term of Office commencing on the date of the election and continuing until the next ordinary elections day and/or other circumstances occur in accordance with section 5.11 of the *Local Government Act 1995*.

Signed: _____

Date: _____

*I _____ hereby certify that I accept the above nomination to the position of Deputy Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Performance Review Committee.

Signed: _____

Date: _____

*This certificate is to be completed when a Representative is nominated by another Representative.



**Eastern Metropolitan Regional Council
CEOPRC
Thursday 27 February 2020**

**BALLOT PAPER FOR THE
ELECTION OF THE CEOPRC DEPUTY CHAIRMAN**

HOW TO VOTE

Place a tick in the box next to the candidate you want to elect.

Do not make any other marks on the ballot paper.

First Name, Last Name

First Name, Last Name

First Name, Last Name



6 PETITIONS, DEPUTATIONS AND PRESENTATIONS

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD 17 OCTOBER 2020

That the minutes of the Chief Executive Officer Performance Review Committee meeting held on 17 October 2020 which have been distributed, be confirmed.

CEOPRC RESOLUTION(S)

MOVED CR

SECONDED CR

8 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

9 QUESTIONS BY MEMBERS WITHOUT NOTICE

10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following report item is covered in Section 14 of this agenda.

10.1 SELECTION OF FACILITATOR FOR THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS

10.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS FOR 2020

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil



12 REPORTS OF EMPLOYEES

13 REPORTS OF DELEGATES

14 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING

15 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

RECOMMENDATION (Closing meeting to the public)

That the meeting be closed to members of the public in accordance with Section 5.23 (2)(a), (b), (c) and (e) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

CEOPRC RESOLUTION

MOVED CR

SECONDED CR

15.1 SELECTION OF FACILITATOR FOR THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS

REFERENCE: D2020/00467

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

See Confidential Item circulated with the Agenda under Separate Cover

15.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS FOR 2020

REFERENCE: D2020/01385

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

See Confidential Item circulated with the Agenda under Separate Cover

RECOMMENDATION [Meeting re-opened to the public]

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

CEOPRC RESOLUTION

MOVED CR

SECONDED CR



Recording of the recommendations passed behind closed doors, namely:

15.1 SELECTION OF FACILITATOR FOR THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS

REFERENCE: D2020/00467

CEOPRC RESOLUTION(S)

MOVED CR

SECONDED CR

15.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS FOR 2020

REFERENCE: D2020/01385

CEOPRC RESOLUTIONS

MOVED CR

SECONDED CR

16 FUTURE MEETINGS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

The next meeting of the Chief Executive Officer Performance Review Committee will be held on **Thursday, 25 June 2020** at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

17 DECLARATION OF CLOSURE OF MEETING