



Special Meeting of Council

Minutes

28 May 2013

Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as an addendum to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 31 May 2013.



Stan Scott
CHIEF EXECUTIVE OFFICER

31 May 2013.

Confirmed Minutes

These minutes were confirmed at a meeting held on 16 June 2013.

Signed: 

Presiding person at the meeting at which the minutes were confirmed.

16 June 2013.

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	For the purpose of meeting the WALGA Workplace Consultant in relation to:	
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Shire of Toodyay

SPECIAL MEETING – 28 MAY 2013

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.41 pm.

2. RECORDS OF ATTENDANCE

Members

Cr K Hogg	Shire President
Cr P Greenway	
Cr S Craddock	
Cr R Madacsi	
Cr A McCann	
Cr D Dow	

Staff

Mr S Scott	Chief Executive Officer
Mrs M Rebane	Executive Assistant

Visitors

Mr J Phillips	Consultant, WALGA Workplace Solutions
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2.1 APOLOGIES

Cr J Prater	Deputy Shire President
Cr C Firms	

2.2 APPROVED LEAVE OF ABSENCE

Cr B Lloyd

3. DISCLOSURE OF INTERESTS

Nil

4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

Nil

**5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS
(relating to the purpose of the meeting)**

5.1 Petitions

Nil.

5.2 Deputations

Nil.

5.3 Presentations

Nil.

5.4 Submissions

Nil.

6 PURPOSE OF MEETING - CONFIDENTIAL STAFF MATTER

6.1 CEO Performance Review

Date of Report:	28 May 2013
Proponent:	Shire of Toodyay
File Ref:	HR317
Author:	Stan Scott – Chief Executive Officer
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	The matter relates to the CEO's contract
Attachments:	Nil
Voting Requirements:	Simple Majority

INTRODUCTION

Council is required by the Act and the CEO's Employment Contract to review the CEO's performance annually. The anniversary of the CEO's appointment is 23 July 2013. Council has appointed WALGA Workplace Solutions to assist with the conduct of the review.

BACKGROUND

The CEO's contract includes provision for an annual performance review as follows:

5. PERFORMANCE DEVELOPMENT AND REVIEW

5.1 Adherence to Key Result Areas

The Chief Executive Officer agrees with the Local Government that the Chief Executive Officer must, in performing the Chief Executive Officer's obligations under this Contract, use every reasonable endeavour to achieve the agreed Key Result Areas ("KRAs").

5.2 Performance Reviews

5.2.1 The Chief Executive Officer's performance pursuant to this Contract shall be reviewed by the Council annually during the Term and more frequently if the Council or the Chief Executive Officer perceives that there is a need to do so.

5.2.2 The Council shall give the Chief Executive Officer reasonable notice in writing that a performance review is to be conducted to enable the Chief Executive Officer sufficient time to prepare.

5.3 Conduct of Performance Review

5.3.1 Any performance review will be conducted on behalf of the Council by the nominated persons or person to whom the Council delegates that task. The Council shall use an independent party to facilitate the performance review.

5.3.2 The facilitator of the performance review will be required to act in a fair and reasonable manner at all times in the conduct and analysis of the performance review.

5.3.3 In the event that the Chief Executive Officer has not satisfied any or some of the requirements of the Position Description (Requirements) and/or the KRAs, the facilitator and the Chief Executive Officer must establish a plan with a timetable for the Chief Executive Officer to achieve the relevant Requirements and/or KRAs, such plan to include counselling, advice, assistance and additional reviews as are considered necessary by the facilitator to achieve the Requirements and/or KRAs. The Chief Executive Officer agrees to use his best endeavours to achieve the Requirements and/or KRAs in accordance with the plan.

5.4 Procedure

Any performance review conducted shall be broadly based on the following KRAs having regard to the Position Description and the specific KRAs agreed to by the parties at the end of each performance review:

5.4.1 Provide accurate and timely advice to the council;

5.4.2 Work in collaboration with the council;

5.4.3 Provide innovative and visionary leadership;

5.4.4 Establish effective networks;

5.4.5 Maintain a work environment that facilitates the development of people and encourages them to perform at a high level;

5.4.6 Ensure the effective and accountable application of financial and physical resources;

5.4.7 Develop and implements change to management strategies to enhance service delivery;

5.4.8 Initiate the development, implementation and review of council policies and procedures.

Following a Forum discussion in January 2013 the Shire arranged for the one day module titled CEO Performance Appraisal from the Diploma of Local Government (Elected Member) to be delivered in Toodyay.

At its April 2013 Ordinary Meeting Council resolved as follows:

1. *That Council appoint WALGA Workplace Solutions to conduct the CEO performance appraisal for Council.*
2. *That a Special Meeting be convened at the earliest opportunity to allow the consultant to meet with Council and the CEO to agree to the details of the process.*

Today's meeting was the earliest opportunity.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 S5.38 – sets out the requirement for an annual performance review.

POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

FINANCIAL IMPLICATIONS

The performance review will inform the annual remuneration review but has no direct financial implications. The contract requires that Council appoint an independent party to conduct the performance review.

STRATEGIC IMPLICATIONS

This proposal does not contain any notable strategic implications.

ENVIRONMENTAL IMPLICATIONS

This proposal does not contain any notable environmental implications.

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER'S COMMENT

Most elected members recently attended a course in Toodyay on CEO Performance Appraisal which may have sparked some ideas on the best approach.

Some of the issues to consider in conducting the review are:

- How to maintain a balance between positive and negative feedback;
- How to maintain perspective between immediate issues and longer term performance;
- Not becoming distracted by the squeaky wheel;
- Maintaining working relationships (and whether there is a need for some feedback to be direct or indirect);
- Keeping it real – no one wants to feel that their position is under constant review.

OFFICER RECOMMENDATION

That Council consider a presentation from Mr John Phillips from WALGA Workplace Solutions.

COUNCIL RESOLUTION NO 168/05/13

MOVED Cr Dow

That Council move behind closed doors in order for confidential business to be discussed in accordance with Section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

MOTION CARRIED 6/0

There were no members of the public present. The doors to the Council Chambers were closed at 4.44 pm.

COUNCIL RESOLUTION NO 169/05/13

MOVED Cr Craddock

That a Special Meeting of Council be held on 4 July 2013 commencing at 6.00 pm for the purpose of endorsing the appraisal process of the CEO including consideration of remuneration.

MOTION CARRIED 6/0

COUNCIL RESOLUTION NO 170/05/13

MOVED Cr Dow

That Council come from behind closed doors.

MOTION CARRIED 6/0

The Council Chambers were re-opened at 5.49 pm. No members of the public returned to the Council Chambers and therefore the resolution made behind closed doors was not read aloud.

6. CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.50 pm.

