

Confirmed Minutes

CEO Performance Review Committee

31 January 2024

A handwritten signature in blue ink, appearing to read "Kam".

Presiding Member

ATTENTION/DISCLAIMER

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the Shire of Mundaring unless specific delegation of authority has been granted by Council. No person should rely on or act on the basis of any advice or information provided by a Member or Employee, or on the content of any discussion occurring, during the course of the Committee Meeting.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Employee, or the content of any discussion occurring during the course of the Committee Meeting.

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**CEO PERFORMANCE REVIEW COMMITTEE
WEIR ROOM, SHIRE OF MUNDARING ADMINISTRATION CENTRE**

1.0 OPENING PROCEDURES

The Chief Executive Officer declared the meeting open at 4.02pm.

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

1.1 Record of Attendance

Members	Pres Paige McNeil	Central Ward
	Cr Trish Cook (Deputy President)	South Ward
	Cr Prapti Mehta	Central Ward
	Cr Neridah Zlatnik	East Ward
Staff	Jason Whiteaker	Chief Executive Officer
Apologies	Nil	
Absent	Nil	
Guests	Nil	

1.2 Election of Presiding Member and Deputy Presiding Member

The Chief Executive Officer called for nominations for Presiding Member of the CEO Performance Review Committee.

One nomination was received from Cr Cook.

Cr Cook was elected Presiding Member for the CEO Performance Review Committee and assumed the Chair.

The Presiding Member called for nominations for Deputy Presiding Member of the CEO Performance Review Committee.

One nomination was received from Cr Mehta

Cr Mehta was elected Deputy Presiding Member of the CEO Performance Review Committee.

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

Nil

3.2 Declaration of Interest Affecting Impartiality

A Council Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*)

The Chief Executive Officer disclosed an impartiality interest in Item 8.1 (CEO Annual Performance Review Report 2023/24) as the report refers to his contract of employment.

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION / COMMITTEE DECISION		CEOPR1.01.24	
Moved by	Pres McNeil	Seconded by	Cr Zlatnik
That the Minutes of the CEO Performance Review Committee Meeting held 10 October 2023 be confirmed.			
			CARRIED 4/0
For:	Cr Cook, Pres McNeil, Cr Mehta and Cr Zlatnik		
Against:	Nil		

5.0 PRESENTATIONS

Nil

6.0 REPORTS OF EMPLOYEES

Nil

7.0 URGENT BUSINESS (LATE REPORTS)

Nil

8.0 CONFIDENTIAL REPORTS

Meeting Closed to Public at 4.12pm.

The Local Government Act 1995, Part 5, Section 5.23 states in part:

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.

RECOMMENDATION / COMMITTEE DECISION			CEOPR2.01.24
Moved by	Pres McNeil	Seconded by	Cr Mehta
That the Committee closes the meeting to members of the public, in accordance with s5.23(2) of the <i>Local Government Act 1995</i> , in order to consider the confidential reports as detailed below:			
8.1 CEO Annual Performance Review Report 2023/24			
Item 8.1 is considered confidential in accordance with the <i>Local Government Act 1995</i> section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.			
			CARRIED 4/0
For: Cr Cook, Pres McNeil, Cr Mehta and Cr Zlatnik			
Against: Nil			

8.1 CEO Annual Performance Review Report 2023/24

File Code	P/F
Author	Jason Whiteaker, Chief Executive Officer
Senior Employee	Jason Whiteaker, Chief Executive Officer
Disclosure of Any Interest	Impartiality
Attachments	1. Shire of Mundaring CEO KPI Setting 2023 Report

Please refer to confidential item provided under separate cover.

RECOMMENDATION / COMMITTEE DECISION		CEOPR3.01.24	
Moved by	Pres McNeil	Seconded by	Cr Mehta
That Council, by absolute majority:			
<ol style="list-style-type: none">1. Adopts the performance criteria metrics for the 2023-2024 performance period outlined in section 4 (per Confidential Attachment 1) and amends the current CEO Employment Contract (variation) accordingly;2. Schedules the Probationary Period Review for April 2024;3. Schedules the next annual review of the Chief Executive Officers performance and total remuneration package for consideration by Council no later than August 2024;4. Complies, as per Division 3 of the <i>Local Government (Administration) Regulations Schedule 2 clause 19</i>, by notifying the CEO of the results of this performance review.			
CARRIED BY ABSOLUTE MAJORITY 4/0			
For:	Cr Cook, Pres McNeil, Cr Mehta and Cr Zlatnik		
Against:	Nil		

- Note: 1. Council and the CEO recognise that with a review (as per point 3 above) in August 2024 will mean an 8 month performance period. Also noting that the CEO has to acquit the interim probationary KPI's as well by April 2024.
2. It is recommended that Council and the CEO review the dates for end of performance periods to August 2024, as performance reviews every two years will fall at election time and caretaker periods, therefore, it is recommended that the CEO's performance review be completed prior to each election cycle.

3. Change reference in the performance indicators from Strategic Plan to Council Plan.
4. Advise the consultant that the metric the Committee would like to utilise to rate the KPI outcomes are met/partially met/not met.

Meeting Opened to Public at 4.27pm.

RECOMMENDATION / COMMITTEE DECISION		CEOPR4.01.24	
Moved by	Cr Mehta	Seconded by	Cr Zlatnik
That the meeting again be opened to the public.			CARRIED 4/0
For: Cr Cook, Pres McNeil, Cr Mehta and Cr Zlatnik			
Against: Nil			

9.0 CLOSING PROCEDURES

9.1 Date, Time and Place of the Next Meeting

Date to be determined.

9.2 Closure of the Meeting

The Presiding Member declared the meeting closed at 4.29pm.