



City of Belmont

EXECUTIVE COMMITTEE

MINUTES

TABLE OF CONTENTS

19 April 2021

ITEM	SUBJECT	PAGE NO
1.	OFFICIAL OPENING	1
2.	APOLOGIES AND LEAVE OF ABSENCE	1
3.	DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT	2
3.1	FINANCIAL INTERESTS	2
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	2
4.1	ANNOUNCEMENTS.....	2
4.2	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING.....	2
5.	CONFIRMATION OF MINUTES	2
5.1	EXECUTIVE COMMITTEE MEETING HELD 17 AUGUST 2020	2
6.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)	3
7.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY PERSON PRESIDING OR BY DECISION	3
8.	QUESTIONS BY MEMBERS WITHOUT NOTICE	3
9.	BUSINESS ADJOURNED FROM A PREVIOUS MEETING	3
10.	INFORMATION ITEMS	3
11.	ITEMS REQUIRING RECOMMENDATION TO COUNCIL	3
11.1	TERMS OF REFERENCE FOR THE EXECUTIVE COMMITTEE	3
11.2	STAFF MATTER - CHIEF EXECUTIVE OFFICER - INTERIM REVIEW 2020-2021 (CONFIDENTIAL MATTER IN ACCORDANCE WITH <i>LOCAL GOVERNMENT ACT 1995</i> SECTION 5.23 (2) (A) (B) (C) (E)).....	7
11.3	STAFF MATTER - CHIEF EXECUTIVE OFFICER - ANNUAL REMUNERATION REVIEW 2019-2020 (CONFIDENTIAL MATTER IN ACCORDANCE WITH <i>LOCAL GOVERNMENT ACT 1995</i> SECTION 5.23 (2) (A) (B) (C) (E)).....	8
12.	NEXT MEETING	8
13.	CLOSURE	9

ATTACHMENTS INDEX

Attachment 1 – Item 11.1 refers

Attachment 2 – Item 11.1 refers

CONFIDENTIAL ATTACHMENTS INDEX

Confidential Attachment 1 – Item 11.2 refers

Confidential Attachment 2 – Item 11.2 refers

Confidential Attachment 3 – Item 11.3 refers

Confidential Attachment 4 – Item 11.3 refers

Confidential Attachment 5 – Item 11.3 refers

Confidential Attachment 6 – Item 11.3 refers (*Circulated under separate cover*)

MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD IN THE RIVERVALE ROOM, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON MONDAY, 19 APRIL 2021, COMMENCING AT 6.42PM.

MINUTES

COMMITTEE MEMBERSHIP

Cr P Marks (Presiding Member)	East Ward
Cr G Sekulla, JP (Deputy Presiding Member)	West Ward
Cr B Ryan (Proxy Member)	East Ward
Cr J Davis	South Ward
Cr S Wolff (<i>arr 6.50pm</i>)	South Ward

IN ATTENDANCE

Mr J Christie (<i>arr 6.52pm</i>)	Chief Executive Officer
Ms AM Forte	Executive Manager People and Organisational Development
Mr J Olynyk, JP (<i>dep 6.50pm</i>)	Manager Governance

GUEST

Mr P Syme	Portland Broome, Organisational Consultants
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1. OFFICIAL OPENING

6.42pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read aloud the Acknowledgement of Country.

Before I begin I would like to acknowledge the Noongar Whadjuk people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging. I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr J Powell (Apology)	South Ward
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3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Name	Item No and Title	Nature of Interest and extent where appropriate
Mr John Christie	11.3 – Staff Matter – Chief Executive Officer – Annual Remuneration Review 2019-2020	Direct Financial – This matter will consider the salary of the CEO, being the CEO I will leave the meeting

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title	Nature of Interest and extent where appropriate
Mr John Christie	11.2 – Staff Matter – Chief Executive Officer – Interim Review 2020-2021	This matter will consider the performance of the CEO over the past 10 months. As CEO I wish to stay and participate in the meeting.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

4.1 ANNOUNCEMENTS

Nil.

4.2 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING

Nil.

5. CONFIRMATION OF MINUTES

5.1 EXECUTIVE COMMITTEE MEETING HELD 17 AUGUST 2020 (Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULLA MOVED, DAVIS SECONDED

That the Minutes of the Executive Committee Meeting held on 17 August 2020 be confirmed as a true and accurate record.

CARRIED 4 VOTES TO 0

**6. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil.

**7. NEW BUSINESS OF AN URGENT NATURE APPROVED BY PERSON PRESIDING
OR BY DECISION**

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

10. INFORMATION ITEMS

Nil.

11. ITEMS REQUIRING RECOMMENDATION TO COUNCIL

11.1 TERMS OF REFERENCE FOR THE EXECUTIVE COMMITTEE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 11.1 refers	<u>Revised Terms of Reference – Executive Committee 2021 with Tracked Changes</u>
Attachment 2 – Item 11.1 refers	<u>Revised Terms of Reference – Executive Committee 2021 (clean copy)</u>

Voting Requirement : Simple Majority
Subject Index : 154/007: Standing Committees
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

Item 11.1 Continued

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To recommend revised Terms of Reference for the Executive Committee (refer [Attachment 2](#)) to Council for endorsement.

SUMMARY AND KEY ISSUES

To consider the revised Terms of Reference for the Executive Committee.

LOCATION

Not applicable.

CONSULTATION

Consultation was undertaken with the Executive Manager People and Organisational Development and the Chief Executive Officer in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy: 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 11.1 Continued

STATUTORY ENVIRONMENT

The Executive Committee assists Council to undertake its duties in relation to sections 5.38 and 5.39 of the *Local Government Act 1995*.

Local Government Act 1995

‘5.38. Annual review of employees’ performance

- (1) *A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- (2) *The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.*
- (3) *A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person’s employment.*

5.39. Contracts for CEO and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
 - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
 - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract; and*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person’s performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

BACKGROUND

The Executive Committee was created in its current format in 2010. The Terms of Reference are reviewed biennially, in line with the Local Government Elections.

Item 11.1 Continued

OFFICER COMMENT

The revised Executive Committee Terms of Reference are included in [Attachment 1](#) (showing the tracked changes) and [Attachment 2](#) (clean copy).

Terms of Reference for all City of Belmont Standing Committees are currently being reviewed and updated to ensure consistency.

A revision to the Executive Committee Terms of Reference is pertinent to ensure consistency with the Terms of Reference of all City of Belmont Standing Committees and to provide guidance on the purpose and objectives of the Executive Committee.

The revised Terms of Reference provide clear guidance on the purpose and objectives of the Executive Committee and the duties and responsibilities of Committee members.

The content has been amended from the current Terms of Reference, however it does not substantively change the current role performed by the Committee.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

DAVIS MOVED, SEKULLA SECONDED

That the Executive Committee recommends that Council endorse the revised Terms of Reference for the Executive Committee (refer [Attachment 2](#)).

CARRIED 4 VOTES TO 0

Note:

The Presiding Member advised that in accordance with Section 5.23(2)(a)(b)(c)(e) of the *Local Government Act 1995* that in order to discuss Item 11.2 Staff Matter - Chief Executive Officer - Interim Review 2020-2021 and 11.3 Staff Matter - Chief Executive Officer - Annual Remuneration Review 2019-2020, the meeting would need to go behind closed doors.

6.49pm **DAVIS MOVED, SEKULLA SECONDED**, that in accordance with Section 5.23(2)(a)(b)(c)(e) of the *Local Government Act 1995*, the meeting go behind closed doors. With the exception of the Facilitator, Mr Paul Syme, and the Executive Manager People and Organisational Development all other Officers are to leave the meeting.

CARRIED 4 VOTES TO 0

6.50 pm The Manager Governance departed the meeting and did not return.
6.50 pm Cr Wolff joined the meeting.

11.2 STAFF MATTER - CHIEF EXECUTIVE OFFICER - INTERIM REVIEW 2020-2021 (CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23 (2) (A) (B) (C) (E))

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 11.2 refers	<u>Report Item - Chief Executive Officer - Interim Review 2020-2021 (Confidential Matter in accordance with <i>Local Government Act 1995</i> Section 5.23 (2) (a) (b) (c) (e))</u>

Note: The Presiding Member invited the Chief Executive Officer to join the meeting to present his submission and answer any questions raised.

6.52pm The Chief Executive Officer joined the meeting.
8.17pm The Chief Executive Officer departed the meeting.

OFFICER RECOMMENDATION

DAVIS MOVED, WOLFF SECONDED

That the Executive Committee recommend that Council:

1. Note the information provided by the Chief Executive Officer on interim progress against the Goals and Targets set by Council for the Officer for the 2020-2021 review year.

CARRIED 5 VOTES TO 0

8.30pm The Executive Manager People and Organisational Development departed the meeting.

11.3 STAFF MATTER - CHIEF EXECUTIVE OFFICER - ANNUAL REMUNERATION REVIEW 2019-2020 (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23 (2) (A) (B) (C) (E))

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 3 – Item 11.3 refers	<u>Report Item - Chief Executive Officer - Annual Remuneration Review 2019-2020 (Confidential Matter in accordance with Local Government Act 1995 Section 5.23 (2) (a) (b) (c) (e))</u>

OFFICER RECOMMENDATION

SEKULLA MOVED, WOLFF SECONDED

That the Executive Committee recommend that Council:

1. Approve Option 1 as contained in this report.

CARRIED 5 VOTES TO 0

Note: The Presiding Member invited the Chief Executive Officer to return to the meeting to be informed of the Committee's decision.

8.45pm The Chief Executive Officer returned to the meeting.

8.46pm **DAVIS MOVED, WOLFF SECONDED, that the Meeting again be open and Council Officers be invited to re-join the meeting.**

CARRIED 5 VOTES TO 0

8.46pm The Executive Manager People and Organisational Development re-joined the meeting.

12. NEXT MEETING

The next meeting of the Executive Committee will be held on **Monday, 23 August 2021** commencing at 6.30pm.

13. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.47pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these Minutes of the Executive Committee held on 19 April 2021 were confirmed as a true and accurate record at the Executive Committee held 23 August 2021:

Signed by the Person Presiding:  _____

PRINT name of the Person Presiding: **PHILIP MARKS**
