



City of Belmont

EXECUTIVE COMMITTEE

MINUTES

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11 April 2016

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CONFIDENTIAL ATTACHMENTS INDEX

**Confidential Attachment 1 – Item 11.1 refers
(Forwarded under separate cover)**

***** COUNCILLORS ARE REMINDED TO RETAIN THEIR ATTACHMENTS FOR DISCUSSION
WITH THE MINUTES *****

MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD IN THE RIVERVALE ROOM, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON MONDAY, 11 APRIL 2016, COMMENCING AT 6.30PM.

MINUTES

PRESENT

| | |
|---|------------|
| Cr P Marks, Mayor (Presiding Member) | East Ward |
| Cr R Rossi, JP, Deputy Mayor, (Deputy Presiding Member) | West Ward |
| Cr L Cayoun | West Ward |
| Cr J Powell | South Ward |
| Cr S Wolff | South Ward |

GUEST

| | |
|-----------------|-------------------|
| Ms H Hardcastle | Learning Horizons |
|-----------------|-------------------|

IN ATTENDANCE

| | |
|---|-------------------------|
| Mr S Cole (<i>arr 7.46pm, dep 9.09pm & did not return</i>) | Chief Executive Officer |
| Ms A M Forte (<i>arr 6.31pm, dep 6.34pm & did not return</i>) | Human Resources Manager |
| Mr J Olynyk, JP (<i>dep 6.34pm & did not return</i>) | Manager Governance |

OBSERVERS

1. OFFICIAL OPENING

6.30pm The Presiding Member welcomed all those in attendance and opened the meeting.

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

6.31pm The Human Resources Manager entered 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 31 AUGUST 2015
(Circulated under separate cover)**

OFFICER RECOMMENDATION

WOLFF MOVED, POWELL SECONDED That the Minutes of the Executive Committee Meeting held on 31 August 2015 be confirmed as a true and accurate record.

CARRIED 5 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

6.34pm **CAYOUN MOVED, POWELL SECONDED,** *That in accordance with Section 5.23(2)(b)(e) of the Local Government Act 1995, the meeting go behind closed doors with the exception of the Facilitator, Helen Hardcastle, all Officers are to leave the meeting.*

CARRIED 5 VOTES TO 0

6.34pm The Human Resources Manager and the Manager Governance departed the meeting and did not return.

11.1 **STAFF MATTER - CHIEF EXECUTIVE OFFICER PERFORMANCE INTERIM REVIEW 2015-2016 (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23 (2) (B) (E))**

BUSINESS EXCELLENCE BELMONT

| Attachment No | Details |
|--|--|
| Confidential Attachment 1 – Item 11.1 refers (Forwarded under separate cover) | Chief Executive Officer – Stuart Cole Performance Management Interim Review 2015-2016 |

Voting Requirement : Simple Majority
Subject Index : HR001 CEO Position
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 : Human Resources Department

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *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.*

PURPOSE OF REPORT

To consider information provided by the Chief Executive Officer on the interim progress against the annual Goals and Targets set by Council for the 2015–2016 Chief Executive Officer Performance Appraisal Review period.

Item 11.1 Continued

SUMMARY AND KEY ISSUES

In accordance with agreed process, an Interim Review of the Chief Executive Officer's Annual Goals and Targets is to take place within six months of Council setting those targets. The targets for 2015-2016 were adopted by Council on 22 September 2015 and are now due for review.

LOCATION

N/A.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 5.38 of the *Local Government Act 1995* applies and states: *'The performance of each employee who is employed for a term of more than one year, including the Chief Executive Officer ..., is to be reviewed at least once in relation to every year of the employment.'*

The Chief Executive Officer's employment contract at Clause 4.2 also states:

The CEO's performance under this Contract must be reviewed by the Reviewer:

- (b) at least annually; and*
- (c) more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.*

The introduction of a six month interim review was agreed by the Chief Executive Officer and the Executive Committee on 25 August 2010.

BACKGROUND

At the Executive Committee Meeting of 25 August 2010, the Chief Executive Officer verbally agreed to the introduction of a secondary process into the annual Performance Appraisal Review process on an ongoing basis. This arrangement is allowable by agreement, under both the *Local Government Act 1995* and the Chief Executive Officer's contract of employment.

Item 11.1 Continued

This interim review was developed as an information sharing process to allow the Committee to be updated on progress to date and to be advised of any impediments to achievement of the Goals and Targets. It does not include an assessment of the performance of the Chief Executive Officer. This arrangement is designed to facilitate discussions at the annual Performance Appraisal Review that takes place in August each year.

The process adopted for this arrangement included agreement that the same external consultant be engaged to facilitate the review to provide continuity with the annual review process.

OFFICER COMMENT

The Chief Executive Officer will present a summary of progress to date against the Goals and Targets set by Council at its meeting of 22 September 2015, by addressing the individual Success Indicators. His submission (forwarded as separate Confidential Attachment 1), includes details of any potential impediments to achieving the outcomes by the target date(s) as well as any changes resolved by Council in the interim period that have had, or will have, a significant impact. He will also answer any Councillor questions on his submission in order to clarify any issues under consideration.

Executive Committee Members should discuss any issues relevant to the Success Indicators with the Chief Executive Officer at the Committee meeting however the Executive Committee will be unable to make any significant changes without referring the matter back to Council. Comments can however, be made to reflect the Committee Members' considerations on any particular matter for Council's information.

It is important to note that this interim process does not include any assessment by Committee Members of the Chief Executive Officer's performance to date, as this will remain the province of the annual Performance Appraisal that takes place later in the year.

The information provided by the Chief Executive Officer at this meeting will be included in the annual review process.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

7.46pm The Chief Executive Officer entered the meeting.

9.09pm The Chief Executive Officer departed the meeting and did not return.

Item 11.1 Continued

9.10pm **ROSSI MOVED, POWELL SECONDED.** That the meeting be opened again and Council Officers be invited to rejoin the meeting.

CARRIED 5 VOTES TO 0

Note:

No Officers returned to the meeting.

OFFICER RECOMMENDATION

WOLFF MOVED, ROSSI SECONDED.

That Council 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 2015-2016 review year.

CARRIED 5 VOTES TO 0

12. NEXT MEETING

The next meeting of the Executive Committee will be held on Monday, 18 April 2016 commencing at 6.30pm.

13. CLOSURE

There being no further business to discuss, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.12pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Executive Committee Meeting held 11 April 2016 were confirmed as a true and accurate record at the Executive Committee Meeting held 18 April 2016.

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____