



Executive Committee

Minutes

Monday 26 February 2024



**City of
Belmont**

CITY OF BELMONT

Executive Committee

Minutes

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Attachments Index

Attachment 13.1.1 – Item 13.1 refers
Attachment 13.1.2 – Item 13.1 refers

Confidential Attachments Index

Confidential Attachment 14.1.1 – Item 14.1 refers

Minutes from the Executive Committee held in the Rivervale Room, City of Belmont Civic Centre, 215 Wright Street, Cloverdale on Monday 26 February 2024 commencing at 6.30pm.

Minutes

Present

Mayor R Rossi, JP (Presiding Member)	Mayor
Cr D Sessions (Deputy Presiding Member)	West Ward
Cr G Sekulla	Central Ward
Cr B Ryan	East Ward
Cr N Carter	South Ward
Cr J Davis	South Ward
Cr C Kulczycki	West Ward

In attendance

Mr J Christie (arr.6.44pm, dep.8pm)	Chief Executive Officer
Mr S Downing (dep.6.41pm)	Director Corporate and Governance
Mrs C Bridges	Manager People and Culture
Mrs J Cherry-Murphy (dep.6.41pm)	Senior Governance Officer

Guests

Mr P Syme (arr.6.42pm)	Portland Broome, Organisational Consultants
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1 Official Opening

6.30pm The Director Corporate and Governance welcomed all those in attendance and declared the meeting open.

The Director Corporate and Governance read aloud the Acknowledgement of Country.

Acknowledgement of Country

Before I begin, I would like to acknowledge the Whadjuk Noongar 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 Marks (absent)
Cr Vijay (absent)

East Ward
Central Ward

3 Election of Presiding Member

3.1 Election of Presiding Member

The Director Corporate and Governance advised that one written nomination for the Executive Committee Presiding Member had been received, that being for Mayor Rossi and called for further nominations for the Presiding Member.

No further nominations were received.

The Director Corporate and Governance closed nominations.

The Director Corporate and Governance declared the successful candidate as Mayor Rossi, who was duly elected Presiding Member of the Executive Committee.

The Presiding Member took the Chair.

4 Election of Deputy Presiding Member

4.1 Election of Deputy Presiding Member

The Presiding Member requested the Director Corporate and Governance to conduct the election of the Deputy Presiding Member.

The Director Corporate and Governance advised that two written nominations for the Executive Committee Deputy Presiding Member had been received, these being for Cr Sessions and Cr Sekulla. The Director Corporate and Governance called for further nominations for the Deputy Presiding Member.

No further nominations were received.

The Director Corporate and Governance closed nominations.

The Director Corporate and Governance as the Returning Officer for this election, conducted an election for the Deputy Presiding Member using optional preferential voting.

The Director Corporate and Governance declared the successful candidate as Cr Sessions, who was duly elected as Deputy Presiding Member of the Executive Committee.

5 Declarations of interest that might cause a conflict

5.1 Financial interests

Nil.

5.2 Disclosure of interest that may affect impartiality

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Mr J Christie	14.1 - Staff Matter Chief Executive Officer Interim Review 2023-24	The item relates directly to the performance of the CEO.

6 Announcements by the Presiding Member (without discussion)

6.1 Announcements

Nil.

6.2 Declarations by Members who have not given due consideration to all matters contained in the business papers presently before the meeting

Nil.

7 Confirmation of Minutes

7.1 Executive Committee Meeting held 17 July 2023

Officer Recommendation

Sekulla moved, Davis seconded

That the Minutes of the Standing Committee (Audit and Risk) Meeting held on 27 November 2023 be confirmed as a true and accurate record.

Carried Unanimously 7 votes to 0

For: Carter, Davis, Kulczycki, Rossi, Ryan, Sekulla and Sessions

Against: Nil

8 Questions by Members on which due notice has been given (without discussion)

Nil.

9 New business of an urgent nature approved by the person presiding or by decision

Nil.

10 Questions by members without notice

Nil.

11 Business adjourned from a previous meeting

Nil.

12 Information items

Nil.

13 Items requiring recommendation to Council

13.1 Terms of Reference - Executive Committee

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

Council role

Executive The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Purpose of report

To consider the revised Terms of Reference for the Executive Committee and recommend to Council for endorsement.

Summary and key issues

To revise and update the Terms of Reference for the Executive Committee regarding changes to the membership following the Local Government Elections and the abolition of the Standing Committee (Community Vision) and Standing Committee (Environmental).

Officer Recommendation

Kulczycki moved, Sekulla seconded

That the Executive Committee recommend that Council endorse the revised Terms of Reference for the Executive Committee (refer Attachment 13.1.1).

Carried Unanimously 7 votes to 0

For: Carter, Davis, Kulczycki, Rossi, Ryan, Sekulla and Sessions

Against: Nil

Location

Not applicable.

Consultation

There has been no specific consultation undertaken 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.

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 (WA)*. Appointment of Committee members is set out under section 5.10.

Local Government Act 1995 (WA) (the Act)

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
- © 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 (WA)* 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.

5.9

- (2) A committee is to comprise –
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

5.10

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

Background

Following the change to membership endorsed at the Ordinary Council Meeting held on 25 July 2023 and Council’s resolution on 23 October 2023 to endorse “that at the first meeting of the Executive Committee and the Standing

Committee (Audit and Risk) the Presiding Members and Deputy Presiding Members be elected and Terms of Reference be reviewed”, the Executive Committee are to consider the revised Terms of Reference (refer Attachments 13.1.1 and 13.1.2).

Report

The Terms of Reference for the Executive Committee have been revised due to the abolition of the Standing Committee (Environmental) and Standing Committee (Community Vision). Previously, the Presiding Members of each Standing Committee would be members of the Executive Committee.

The Executive Committee is now the only Committee comprising of elected members only (per s5.9 (2)(a) of the Act) and therefore per section 5.10 (2), each Council member is entitled to be a member of this committee.

The revised Terms of Reference reflect this change to the membership of 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.

Attachment details

Attachment No and title	
1.	Terms of Reference Executive Committee 2024 (track changes) [13.1.1 - 2 pages]
2.	Terms of Reference Executive Committee 2024 [13.1.2 - 2 pages]

TERMS OF REFERENCE
EXECUTIVE COMMITTEE

LAST UPDATED: Ordinary Council Meeting 25 July 2023

Purpose

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the Chief Executive Officer (CEO).

The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated power from Council. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

Objective

The primary objective of the Executive Committee is in all circumstances, to obtain and consider sufficient information to make unbiased, objective recommendations to Council on CEO appointments, contract reviews/renewals, performance and remuneration reviews in accordance with the City of Belmont 'Standards for CEO Recruitment Performance and Termination'. The Executive Committee will also monitor sanctions ordered by the Standards Panel for minor breaches pursuant to the *Local Government Act 1995*.

Reports from the Committee will assist Council in discharging its legislative responsibilities of governing the local government's affairs.

Duties and Responsibilities

The duties and responsibilities of the Committee members will be to –

1. Make recommendations to Council on CEO performance reviews;
2. Review and recommend annual goals and targets for the CEO against key result areas to Council for consideration;
3. Make recommendations to Council on CEO remuneration reviews and assessments;
4. Make recommendation to Council on CEO appointments;
5. Make recommendations to Council on CEO contract reviews and/or renewals.
6. Ensure sanctions ordered by the Standards Panel for a minor breach are complied with.

Membership

~~The membership of the Committee shall comprise the Mayor as Presiding Member, the Deputy Mayor as Deputy Presiding Member and a Councillor from each Ward.~~

Per section 5.10(2) of the *Local Government Act 1995*, all Elected Members are entitled to be on at least one committee that is made up of elected members only (s 5.9 (2)(a)) or elected members and employees (s5.9 (2)(b)). As this is the only committee that meets the criteria, the Mayor and all eight Elected Members are entitled to be a member of this committee.

Staff Attendees

The following staff will attend Executive Committee meetings to provide technical support and advice as required:

- Chief Executive Officer, as appropriate;
- Manager People and Culture
- Manager Governance ~~and Legal, Strategy and Risk~~, as required; and
- Additional staff where relevant to the agenda (with CEO approval where appropriate).

Other Attendees

Relevant persons may be invited to attend and address or advise the committee, within the ambit of its scope and where necessary with the approval of the CEO and the Presiding Member.

Meetings

The Committee shall have flexibility in relation to when it needs to meet, but as a minimum shall meet once a year to undertake the CEO's annual Performance Review in accordance with the Employment Contract. It is the responsibility of the Presiding Member to call the meetings of the Committee.

TERMS OF REFERENCE

EXECUTIVE COMMITTEE

LAST UPDATED: Ordinary Council Meeting [insert date]

Purpose

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3. Make recommendations to Council on CEO remuneration reviews and assessments;
4. Make recommendation to Council on CEO appointments;
5. Make recommendations to Council on CEO contract reviews and/or renewals.
6. Ensure sanctions ordered by the Standards Panel for a minor breach are complied with.

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Per section 5.10(2) of the *Local Government Act 1995*, all Elected Members are entitled to be on at least one committee that is made up of elected members only (s 5.9 (2)(a)) or elected members and employees (s5.9 (2)(b)). As this is the only committee that meets the criteria, the Mayor and all eight Elected Members are entitled to be a member of this committee.

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14 Matters for which the meeting may be closed

6.41pm The Director Corporate and Governance and Senior Governance Officer departed the meeting and did not return.

6.42pm Mr P Syme joined the meeting.

Note:

The Presiding Member advised that in accordance with Section 5.23(2)(a) of the *Local Government Act 1995 (WA)* in order to discuss Confidential Item 14.1 - Staff Matter Chief Executive Officer Interim Review 2023-24, Council will need to go behind closed doors.

6.43pm Sessions moved, Davis seconded that in accordance with Section 5.23(2)(a) of the *Local Government Act 1995 (WA)*, the meeting proceed behind closed doors to discuss Confidential Item 14.1 - Staff Matter Chief Executive Officer Interim Review 2023-24.

Carried 7 votes to 0

For: Carter, Davis, Kulczycki, Rossi, Ryan, Sekulla and Sessions

Against: Nil

Mr Christie disclosed at Item 3 of the Programme “Disclosure of Interest” an Impartiality Interest in the following item in accordance with Clause 6.20 of the City of Belmont Code of Conduct - Employees.

14.1 Staff Matter Chief Executive Officer Interim Review 2023-24

Officer Recommendation

Sekulla moved, Sessions seconded

That the Executive Committee recommend that Council note the information provided by the Chief Executive Officer on interim progress against the Goals and Targets set by Council for the Chief Executive Officer for the 2023-2024 review year.

Carried Unanimously 7 votes to 0

For: Carter, Davis, Kulczycki, Rossi, Ryan, Sekulla and Sessions

Against: Nil

8.02pm Davis moved, Carter seconded, that the meeting again be open to the public.

Carried 7 votes to 0

For: Carter, Davis, Kulczycki, Rossi, Ryan, Sekulla and Sessions

Against: Nil

8.02pm The meeting came out from behind closed doors.

15 Next Meeting

The next meeting of the Executive Committee will be held on Monday, 15 July 2024 commencing at 6.30pm.

16 Closure

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.04pm.

Minutes confirmation certification

The undersigned certifies that these Minutes of the Executive Committee held on 26 February 2024 were confirmed as a true and accurate record at the Executive Committee meeting held on 22 July 2024.

Signed by the Person Presiding:  _____

PRINT name of the Person Presiding: **ROBERT ROSSI**