



CEO Performance Review

Agenda

Wednesday 13 March 2024



Our Vision

Where environment, lifestyle and opportunity meet!

Community Aspirations



KEY THEME 1

Environment

An environment that is valued, conserved and enjoyed by current and future generations.



KEY THEME 2

Lifestyle

A place that is relaxed, safe and friendly, with services and facilities that support positive lifestyles and wellbeing.



KEY THEME 3

Opportunity

A vibrant City with diverse opportunities and a prosperous economy.



KEY THEME 4

Leadership

A Council that connects with the community and is accountable in its decision making.

NOTICE OF MEETING

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the CEO Performance Review Committee will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on 13 March 2024, commencing at 9:00am.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



TONY NOTTLE

CHIEF EXECUTIVE OFFICER

8 March 2024

BEHAVIOUR PROTOCOLS

The City of Busselton values are:

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Teamwork

In accordance with these values, the following outlines the behaviour expectations while attending a Council meeting, Committee meeting, Community Access Session, or Public Agenda Presentation:

- Listen respectfully through the meeting or presentation
- Respect the Council process and comply with directions from the Presiding Member
- Use respectful language when addressing Council, staff, and other members of the public
- Behave in a manner that is respectful and non-confrontational
- Do not use offensive language or derogatory language towards others

The City values the diverse input of the community and seeks to ensure that all members of the community can attend a meeting and have their say.

Elected Members, Committee members and Candidates are bound by the City's Code of Conduct and agree to uphold the values of the City of Busselton and principles of good behaviour, maintaining and contributing to a harmonious, safe, and productive environment.

Anyone who does not behave in accordance with the above values and behaviours may be asked by the Presiding Member to leave the gallery.

CITY OF BUSSELTON

Agenda for the Unspecified to be held on Wednesday 13 March 2024

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1 OFFICIAL OPENING

The City of Busselton welcomes Elected Members, staff, guests and members of the public to the CEO Performance Review Committee meeting of 13 March 2024.

The City of Busselton acknowledges the Wadandi and Bibbulmun people as the traditional custodians of this region and pay respects to Elders past and present.

Please note this meeting will be audio recorded for minute taking purposes.

2 ATTENDANCE

MEMBERS
Mayor Phill Cronin
Cr Kate Cox
Cr Val Kaigg

OFFICERS
Director Corporate Strategy and Performance
Manager People, Culture and Strategy
Governance and Risk Coordinator
Governance Officer

APOLOGIES
Nil at time of publishing

3 ELECTION OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

Ms Sarah Pierson, Director Corporate Strategy and Performance will conduct the nomination and voting to elect a Presiding Member of the CEO Performance Review Committee in accordance with section 5.12 of the *Local Government Act 1995*.

The elected Presiding Member will conduct the nomination and voting to elect a Deputy Presiding Member of the CEO Performance Review Committee in accordance with section 5.12 of the *Local Government Act 1995*.

4 DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

A declaration under section 5.65 of the *Local Government Act 1995* requires that the nature of the interest must be disclosed. An elected member or employee who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter on which the subject of the declaration without the approval of the Council in accordance with the Act.

DISCLOSURES OF IMPARTIALITY INTEREST

Elected members and employees are required, in addition to declaring any financial interest, to declare an interest that might cause or perceive to cause a conflict. If the elected member or employee declares that their impartiality will not be affected then they may participate in the decision-making process.

5 CONFIRMATION AND RECEIPT OF MINUTES

5.1 CEO Performance Review Committee 27 February 2023

RECOMMENDATION

That the Minutes of the CEO Performance Review Committee 27 February 2023 be confirmed as a true and correct record.

6 PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

6.2 QUESTION TIME FOR PUBLIC

Public question time procedures and guidance

Public question time allows members of the public to participate in local government by asking questions of the Council in relation to issues affecting the City. It also assists the City in identifying issues of importance to the community and assists the public to be better informed about how the City is governed.

- The City will allocate a minimum of 15 minutes and a maximum of 30 minutes per Council meeting for public question time.
- Members of the public should register their intent to ask a question at a Council meeting by completing and submitting the [Public Question Time form](#) before 4pm the day prior to the relevant meeting.
- Members of the public will be invited to ask their question in order of registration.
- Questions will be limited to three per person. Additional questions may be permitted by the Presiding Member where time permits.
- Where a person is not present to ask their submitted question it will be responded to administratively as general correspondence.
- Questions may be taken on notice, to be responded to at a later time by the CEO in accordance with clause 6.7 of the Standing Orders.
- Public question time is for the tabling of questions, not for members of the community to make statements. For context, the Presiding Member may allow a short preamble.
- Questions containing defamatory remarks or offensive language, or that question the competency or personal affairs of Elected Members or employees may be ruled inappropriate by the Presiding Member subject to the Presiding Member taking reasonable steps to assist the member of the public to rephrase the question.
- There will be no debate or discussion on the response provided.

For further information, please see the [Meetings, Information Sessions and Decision Making Processes Policy](#).

7 REPORTS

7.1 Initiation of Annual CEO Performance Review

Strategic Theme:	Key Theme 4: Leadership 4.4 Govern a professional organisation that is healthy, capable and engaged.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director of Corporate Strategy and Performance - Sarah Pierson
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Final CEO Performance Agreement 2023-2024 Addition Performance Criteria [7.1.1 - 2 pages] 2. CEO Contract Schedule 2 [7.1.2 - 1 page]

OFFICER RECOMMENDATION

That the Committee, in accordance with point 5.12 of the CEO Performance Review Policy, hereby give notice to the CEO of commencement of the performance review process.

EXECUTIVE SUMMARY

This report recommends that the Committee formally resolve to commence the annual CEO performance review process by giving notice to the CEO, and that the Committee considers the appointment of an independent facilitator to assist with the process.

STRATEGIC CONTEXT

An effective CEO performance review process is vital for the good governance of the organisation.

BACKGROUND

The Council has established a CEO Performance Review Committee (the Committee) for the purpose of assisting the Council to fulfil its functions under the City of Busselton Standards for CEO Recruitment, Performance Review and Termination (CEO Standards), in relation to review of the Chief Executive Officer's (CEO) performance.

The Committee is responsible for undertaking the performance review of the CEO and reporting findings and recommendations to Council. The Committee is required to do this in accordance with the provisions contained in the CEO's employment contract and the CEO Performance Review Policy (the Policy)

The Policy was adopted by the Council at its Ordinary Council meeting on 25 January 2023 (C2301/010) and outlines (in accordance with the CEO Standards) the process by which the CEO's performance will be reviewed.

OFFICER COMMENT

The Policy sets out that the performance review process will generally commence around March each year (point 5.11); and further that the Committee will give the CEO notice of commencement of the performance review process, and within 21 days the CEO will prepare and submit a report to the Committee assessing their performance against the performance criteria and their duties under their employment contract and the *Local Government Act 1995* (point 5.12).

This report recommends that the Committee provides to the CEO notice of commencement of the performance review process.

The performance criteria to be met by the CEO, in addition contractual performance criteria, were adopted by the Council on 1 March 2023, and are outlined in Attachment 1. The contractual performance criteria were also adopted by Council on 1 March 2023 and are outlined in Attachment 2.

Under the Policy, the Committee may, if it does not have the resources and / or expertise to undertake the performance review process to the expected standard, or considers it may otherwise be beneficial, engage (using nominated administrative support) an independent facilitator to assist (point 5.4).

An independent facilitator may be required to assist in:

- a. development and review of performance criteria;
- b. preparation of a performance agreement;
- c. collection of performance evidence;
- d. preparation of the performance appraisal report;
- e. facilitating meetings between the Committee and the CEO;
- f. the provision of feedback to the CEO;
- g. preparation of plans to support improvement (if required); and
- h. the provision of an objective view regarding any performance management related matters.

Use of an experienced, independent facilitator can aid in a more effective review process, particularly noting this is the first performance review process to be undertaken by the current Committee, and with the CEO.

If the Committee wishes to engage an independent facilitator, it is recommended that it resolve on its desire to do so by adding to the officer recommendation as follows:

That the Committee:

1. *in accordance with point 5.12 of the CEO Performance Review Policy, hereby give notice to the CEO of commencement of the performance review process; and*
2. *Resolve to engage an independent facilitator to assist the Committee in undertaking the performance review process, using the nominated administrative support.*

Administrative support will be provided by the Manager of People, Culture and Strategy, Ms Shannon Pettengell.

Regardless of whether the Committee wishes to engage an independent facilitator, on giving notice of commencement of the process to the CEO, the CEO will prepare and submit the self-assessment report.

Statutory Environment

Section 5.38 of the *Local Government Act 1995* requires a local government to review the performance of the CEO annually.

Section 5.39B(2), (3), (5) and (6) of the *Local Government Act 1995* relate to adoption of model standards, as contained within Schedule 2 of the Regulations. The CEO Standards reflect these model standards.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not Applicable

Policy:

[Chief Executive Officer Performance Review](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Committee could seek not to initiate the CEO Performance Review Process.

CONCLUSION

Under the CEO Performance Review Policy, the CEO Performance Review is set out to generally commence around March each year. This report recommends that the Committee formally resolve to commence the process by giving notice to the CEO and considers the appointment of an independent facilitator to assist with the process.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Notice provided to the CEO	14 March 2024
CEO prepare and provide self-assessment report	3 April 2024
Engagement of an independent facilitator (if resolved)	5 April 2024

CEO PERFORMANCE AGREEMENT 2023 - 2024

Performance Criteria	Outcome	Deliverable	Timeframe
1. Organisational Review	An organisational structure which best enables the delivery of organisational goals and objectives as outlined in the City's Strategic Community and Corporate Business Plan, recognising staff culture and morale as a key priority.	Complete a review of the organisation's structure and provide a report to Council outlining: <ul style="list-style-type: none"> a. the process undertaken, and b. recommendations for structural change (if any are made). 	By 30 June 2023
2. Council Resolution Reporting	The CEO presents through the Councillors Information Bulletin a monthly status report on all actionable resolutions of the Council.	Monthly report to contain the following information in relation to each and every Council Resolution: <ul style="list-style-type: none"> a. Date of Meeting; b. Resolution Number; c. Resolution Heading; d. Brief Description of Council decision; e. Directorate responsible; f. Action taken (brief statement); g. Completion date and priority status; <p>All information to appear on the Website for the public to access; and all resolutions to remain on the Status Report for six months after the date of completion.</p> <p>Reporting to include all resolutions since the Council election in 2019.</p>	By 30 June 2023

3. Local Procurement	An increase in level and breadth of local procurement, where cost efficient.	Undertake a review of local participation rates in the City's procurement of goods and services and provide a report to Council outlining: <ul style="list-style-type: none"> a. current levels of local procurement; and b. measures that can be implemented to increase the City's level and breadth of local procurement, where cost efficient. 	By 31 December 2023
4. Financial Reserve /Asset Maintenance Planning review	Optimised use of reserves for asset management which addresses OAG commentary while ensuring future financial sustainability.	<ul style="list-style-type: none"> a. Undertake a review of the use of the City's financial reserves with the aim of appropriate reserve consolidation. b. Ensure the level of reserve funding is commensurate with asset management planning, providing a report to Council outlining clear recommendations for funding. 	By 31 August 2023 By 28 February 2024
5. Customer Experience & Engagement	To have a best practice customer service and communications model in place across the City which increases community engagement and understanding of City processes and decisions.	Provide a report to council outlining measures undertaken to: <ul style="list-style-type: none"> a. implement a best practice customer service model following consultation with peer local governments; b. ensure the City's communication with its customers is understandable, uses simple language wherever possible, and clearly explains the impacts of decisions or potential decisions and why they have been made. 	By 28 February 2024
6. Capital Works Plan	Development of a capital works plan to inform future LTFF	In conjunction with Council, review planned capital expenditure items and develop a 5 year capital works plan that prioritises and costs capital expenditure over the period.	By end of Dec 2023.

SCHEDULE 2 – PERFORMANCE CRITERIA

1. Leadership
 - a. Demonstrates high levels of ethical behaviour, honesty, and a professional commitment to the community and the Council.
 - b. Fosters a positive culture focused on organisational values, quality community outcomes, and excellent customer service. You personally demonstrate effective modelling of the behaviours necessary to support and nurture that culture.
2. Collaboration
 - a. Provides a range of opportunities to enable Councillors to participate in strategy, policy and budget development.
 - b. Relationships and interactions between Councillors and senior staff are cordial, respectful and in accordance with Council guidelines.
3. Advocacy
 - a. You have professional dealings with government agencies necessary for the work of the Council. The City is well considered by senior government personnel and Governments in power. Relationships with local Members of Parliament are professional and the Council's issues are well understood.
 - b. You maintain a wide network of contacts and attend community and business events to facilitate productive outcomes for the Council, the community and the region. You bring new ideas to the table for consideration.
4. Compliance
 - a. All activities are compliant and without adverse findings (excluding historical findings prior to the recruitment of the CEO). Limited and minor statutory deadline extensions due to extenuating circumstances are met.
 - b. An unqualified audit report with some minor improvements suggested within the management letter.
5. Delivery
 - a. Stakeholder surveys identify general levels of satisfaction with both the range and levels of services offered. Resulting areas of potential improvement are identified and actioned.
 - b. A majority of Corporate Business Plan outcomes are delivered on time, within budget and achieve agreed outcomes and objectives.

8 CONFIDENTIAL MATTERS

Nil

9 NEXT MEETING DATE

To be confirmed.

10 CLOSURE