



Special Council Meeting

Minutes

Wednesday 24 April 2024

MINUTES

Minutes of a Special Council Meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 24 April 2024 at 4:30pm.

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1. OFFICIAL OPENING

The meeting opened at 4:32pm.

The Presiding Member welcomed Councillors, staff, guests and members of the public to the Special Council Meeting of 24 April 2024.

The Presiding Member acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

This meeting was audio recorded for minute taking purposes and will be live streamed on the City of Busselton YouTube channel.

2. PURPOSE OF MEETING

The purpose of this meeting is for appointing an independent facilitator to assist in undertaking the CEO Performance Review.

3. ATTENDANCE

PRESIDING MEMBER	MEMBERS
Mayor Phill Cronin	Cr Anne Ryan <i>Deputy Mayor</i>
	Cr Val Kaigg
	Cr Jodie Richards
	Cr Kate Cox
	Cr Jarrod Kennedy
	Cr Mikayla Love

OFFICERS	
Mr Tony Nottle	Chief Executive Officer
Ms Sarah Pierson	Director Corporate Strategy and Performance
Mrs Shannon Pettengell	Manager People, Culture and Strategy
Mr Ben Whitehill	Manager Legal, Governance and Risk
Ms Jo Barrett-Lennard	Governance Officer

APOLOGIES	
Cr Andrew Macnish	
Cr Richard Beecroft	

4. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil

DISCLOSURES OF IMPARTIALITY INTEREST

The Presiding Member noted that a disclosure of impartiality interest had been received from Mr Tony Nottle, Chief Executive Officer, in relation to item 7.1 'Independent Facilitator Recommendation'.

The Presiding Member advised that, in accordance with regulation 22(2)(b) of the *Local Government (Model Code of Conduct) Regulations 2021*, these disclosures would be read out immediately before these items were discussed.

5. PUBLIC QUESTION TIME

QUESTION TIME FOR PUBLIC

Nil

6. PRESENTATIONS BY PARTIES WITH AN INTEREST

Nil

7. CORPORATE STRATEGY AND PERFORMANCE REPORTS

7.1 Independent Facilitator Recommendation

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:	Manager People, Culture and Strategy - Shannon Pettengell
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
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. RFQ CEO Perf Review [6.1.1 - 22 pages] 2. CONFIDENTIAL REDACTED - Strategic Leadership Consultant RFQ Submission 25.03.24 [6.1.2 - 16 pages] 3. CONFIDENTIAL REDACTED - Price Consulting RFQ Submission 30.03.24 [6.1.3 - 14 pages] 4. CONFIDENTIAL REDACTED - Hammond Woodhouse Advisory RFQ Submission 4.04.24 [6.1.4 - 2 pages] 5. CONFIDENTIAL REDACTED - Consultant Assessment Matrix [6.1.5 - 9 pages]

This item was considered by the CEO Performance Review Committee at its meeting held 17 April 2024, the recommendations of which have been included in this report.

DISCLOSURE OF INTEREST	
Date	24 April 2024
Meeting	Special Council
Name/ Position	Mr Tony Nottle, Chief Executive Officer
Item No./ Subject	7.1 'Independent Facilitator Recommendation'
Type of Interest	Impartiality Interest
Nature of Interest	I am the officer subject to the review.

The committee recommendation was moved and carried.

COUNCIL DECISION

C2404/119 Moved Cr Mikayla Love, seconded Cr Val Kaigg

That the Council appoint Strategic Leadership Consulting as the independent facilitator to assist the CEO Performance Review Committee in undertaking the performance review of the CEO.

CARRIED 7 / 0

**FOR: Mayor Phill Cronin, Cr Anne Ryan, Cr Jodie Richards, Cr Val Kaigg,
Cr Mikayla Love, Cr Kate Cox and Cr Jarrod Kennedy**

AGAINST: Nil

OFFICER RECOMMENDATION

That the Committee resolve to recommend to the Council the appointment of either Price Consulting or Strategic Leadership Consulting as the independent facilitator to assist the CEO Performance Review Committee in undertaking the performance review of the CEO.

EXECUTIVE SUMMARY

The CEO Performance Review Committee (the Committee) resolved (PR2403/2) to seek quotations for an independent facilitator to assist the Committee in undertaking the performance review of the CEO. Following this process, this report recommends that the Committee resolve to recommend to the Council the appointment of either Price Consulting or Strategic Leadership Consulting as the independent facilitator, in accordance with the CEO Performance Review Policy (the Policy).

STRATEGIC CONTEXT

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

BACKGROUND

The CEO Performance Review Policy (the Policy) sets at point 5.4 that 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.

The Committee Terms of Reference states that an objective of the Committee is to provide advice and recommendations to Council in relation to the appointment of an independent facilitator, to assist the committee in conducting the CEO performance review.

Hence, following the Committee's resolution to engage an independent facilitator, a request for quotation (RFQ) process was facilitated by the Manager People, Culture and Strategy, nominated in the Policy as the administrative support for the Committee, with this report recommending that the Committee make a recommendation on appointment of the independent facilitator to the Council.

OFFICER COMMENT

The independent facilitator is required to facilitate the City's CEO performance review process in accordance with section 5.38 of the *Local Government Act 1995*, the City of Busselton's CEO Standards, CEO Performance Review Policy and CEO Performance Review Committee terms of Reference.

The RFQ provided a scope of requirements, with the facilitator to assist in:

1. Development and review of performance criteria;
2. Preparation of a performance agreement;
3. Collection of performance evidence;
 - a. Including feedback surveys with all Councillors and potentially selected staff (as agreed between CEO and the Council)
 - b. Other evidence as recommended by the Facilitator and agreed between the CEO and the Council
4. Preparation of the performance appraisal report;
5. Facilitating meetings between the Committee and CEO;
6. The provision of feedback to the CEO;
7. Preparation of plans to support improvement (if required); and
8. The provision of an objective view regarding any performance management related matters.

The RFQ (Attachment 1) was sent to 6 consultants. Submissions were received from 3 consultants and are attached confidentially for consideration. In seeking quotations, the CEO was canvassed to ensure that there were no conflicts of interest with any of the consultants being sent the RFQ. The CEO indicated he has not worked with any of the consultants previously and has no conflicts.

Consultants were provided an indicative timeline and requested to provide feedback as part of the quotation process. In addition to this and in response to the quotation, the City requested at a minimum:

1. Evidence of relevant skills and experience; specifically undertaking the role of Independent Facilitator for the purposes of the CEO Performance Review Process, ideally within a local government context and working with the CEO Standards as required under the Act.
2. A detailed performance review process to be followed including associated tools for CEO and Committee consideration, noting agreement is subject to Council endorsement, in accordance with the indicative timeline.
3. Demonstration of ability to work to the indicative timeline, or comment otherwise as to the timeline;
4. An organisational profile.

Submissions were received from the following consultants:

1. Strategic Leadership Consultant – Shayne Silcox (Attachment 2);
2. Price Consulting (Attachment 3); and
3. Hammond Woodhouse Advisory (Attachment 4).

Consultant submissions have been assessed against the listed minimum criteria within the RFQ. An assessment of the responses is attached (Attachment 5). All responses are similar in price and demonstrate suitable experience. The submissions received from Price Consulting and Strategic Consulting Services ranked the equal highest against the qualitative criteria.

Based on this assessment, officers recommend to the Committee that they select one of either Price Consulting or Strategic Consulting Services and recommend to the Council their appointment to the role of independent facilitator. In order to commence the process as soon as possible, it is recommended that a special council meeting be called for by the Mayor for 24 April 2024, for the purpose of appointing the independent facilitator.

Once appointed, the facilitator will be required to develop with the Committee a documented performance review process that will be (on recommendation from the Committee) agreed between the Council and the CEO.

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 City's CEO Standards reflect these model standards.

Further, the Council has established a CEO Performance Review Committee and Terms of Reference (C2310/147), and a CEO Performance Review Policy (C2301/010).

Relevant Plans and Policies

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

Plan:
Not applicable.

Policy:
[Chief Executive Officer Performance Review](#)

Additionally, the CEO Performance Review Committee Terms of Reference is applicable.

Financial Implications

The cost to engage an independent facilitator is approximately \$7,500 (ex GST) inclusive of estimated travel and accommodation costs.

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, with the use of an independent facilitator assisting in the effectiveness of the performance review process.

Options

As an alternative to the proposed recommendation the Committee could select an alternative independent facilitator to assist the Committee in undertaking the performance review of the CEO.

CONCLUSION

In accordance with the CEO Performance Review Policy the Committee has determined that use of an independent facilitator would assist them in reviewing the CEO's performance. Having sought quotations, this report recommends that the Committee recommend to Council that one of either Price Consulting or Strategic Leadership Consulting be recommended to Council for appointment.

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
Recommendation considered by Council.	24 April 2024
Appointment of independent facilitator	26 April 2024

8. CONFIDENTIAL MATTERS

Nil

9. CLOSURE

The Presiding Member closed the meeting at 4:35pm.

These minutes for the Special Council Meeting held 24 April 2024 were confirmed as a true and correct record on

Date:

Presiding Member: