



**UNCONFIRMED**

**MINUTES**

Special Meeting of Council

**29 November 2018**

## SPECIAL MEETING OF COUNCIL

### MINUTES

29 November 2018

(REF: D2018/15116)

An Ordinary Meeting of Council was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 29 November 2018**. The meeting commenced at **6:30pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 6:30pm, welcomed those in attendance and acknowledged the traditional custodians of the land on which the meeting was held and paid respects to the elders past, present and future.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

### Councillor Attendance

Cr David McDonnell ( <b>Chairman</b> )	EMRC Member	City of Swan
Cr Dylan O'Connor ( <b>Deputy Chairman</b> )	EMRC Member	City of Kalamunda
Cr Melissa Mykytiuk	EMRC Member	Town of Bassendean
Cr Kathryn Hamilton	EMRC Deputy Member	Town of Bassendean
(Deputising for Cr Wilson)		Town of Bassendean
Cr Barry McKenna	EMRC Member	City of Bayswater
Cr Filomena Piffaretti	EMRC Deputy Member	City of Bayswater
(Deputising for Cr Palmer)		
Cr Janet Powell	EMRC Member	City of Belmont
Cr Geoff Stallard	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr David Lavell	EMRC Member	Shire of Mundaring
Cr Adam Kovalevs	EMRC Member	City of Swan

### Apologies

Cr Jai Wilson	EMRC Member	Town of Bassendean
Cr Sally Palmer	EMRC Member	City of Bayswater
Cr Steve Wolff	EMRC Member	City of Belmont
Cr Phil Marks	EMRC Deputy Member	City of Belmont

### EMRC Officers

Mr Peter Schneider	Chief Executive Officer
Mr Hua Jer Liew	Director Corporate Services
Mr Stephen Fitzpatrick	Director Waste Services
Mrs Wendy Harris	Director Regional Services
Mrs Prapti Mehta	Manager Human Resources
Miss Izabella Krzysko	Workplace Advisor – Human Resources
Ms Theresa Eckstein	Executive Assistant to Chief Executive Officer
Mrs Annie Hughes-d'Aeth	Personal Assistant to Director Corporate Services (Minutes)

### Observers

Cr Cameron Blair	EMRC Deputy Member
Cr Doug Jeans	EMRC Deputy Member
Cr Ian Johnson	EMRC Deputy Member

### Guests

Mr John Phillips	John Phillips Consulting
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### **3 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION**

#### **3.1 PETER B. SCHNEIDER – CHIEF EXECUTIVE OFFICER – FINANCIAL INTEREST**

Item: 7.1  
 Subject: Outcomes of Chief Executive Officer Performance Review, Remuneration Review for 2017/2018 and Contract Renewal  
 Nature of Interest: Directly applies to the Chief Executive Officer

Item: 7.2  
 Subject: Confidential Item 14.1 - Chief Executive Officer Performance Review Committee Minutes – Chief Executive Officer Performance and Salary Review for 2017/2018 and Objective Setting for 2018/2019  
 Nature of Interest: Directly applies to the Chief Executive Officer

Item: 7.3  
 Subject: Confidential Item 14.1 - Chief Executive Officer Performance Review Committee Minutes – Chief Executive Officer – Contract Renewal  
 Nature of Interest: Directly applies to the Chief Executive Officer

Item: 7.4  
 Subject: Chief Executive Officer Employment Matters  
 Nature of Interest: Directly applies to the Chief Executive Officer

#### **3.2 PETER B. SCHNEIDER – CHIEF EXECUTIVE OFFICER – INTERESTS AFFECTING IMPARTIALITY**

Item: 7.1  
 Subject: Outcomes of Chief Executive Officer Performance Review, Remuneration Review for 2017/2018 and Contract Renewal  
 Nature of Interest: Directly applies to the Chief Executive Officer

Item: 7.2  
 Subject: Confidential Item 14.1 - Chief Executive Officer Performance Review Committee Minutes – Chief Executive Officer Performance and Salary Review for 2017/2018 and Objective Setting for 2018/2019  
 Nature of Interest: Directly applies to the Chief Executive Officer

Item: 7.3  
 Subject: Confidential Item 14.1 - Chief Executive Officer Performance Review Committee Minutes – Chief Executive Officer – Contract Renewal  
 Nature of Interest: Directly applies to the Chief Executive Officer

Item: 7.4  
 Subject: Chief Executive Officer Employment Matters  
 Nature of Interest: Directly applies to the Chief Executive Officer



*Item 3 continued*

### **3.3 PRAPTI MEHTA – MANAGER HUMAN RESOURCES – INTERESTS AFFECTING IMPARTIALITY**

Item: 7.1  
 Subject: Outcomes of Chief Executive Officer Performance Review, Remuneration Review for 2017/2018 and Contract Renewal  
 Nature of Interest: Due to reporting relationship to the CEO

Item: 7.2  
 Subject: Confidential Item 14.1 - Chief Executive Officer Performance Review Committee Minutes – Chief Executive Officer Performance and Salary Review for 2017/2018 and Objective Setting for 2018/2019  
 Nature of Interest: Due to reporting relationship to the CEO

Item: 7.3  
 Subject: Confidential Item 14.1 - Chief Executive Officer Performance Review Committee Minutes – Chief Executive Officer – Contract Renewal  
 Nature of Interest: Due to reporting relationship to the CEO

Item: 7.4  
 Subject: Chief Executive Officer Employment Matters  
 Nature of Interest: Due to reporting relationship to the CEO

Item: 7.5  
 Subject: Appointment of an Acting Chief Executive Officer  
 Nature of Interest: Due to potential reporting relationship to the Acting CEO

### **3.4 HUA JER LIEW – DIRECTOR CORPORATE SERVICES – FINANCIAL INTEREST**

Item: 7.5  
 Subject: Appointment of an Acting Chief Executive Officer  
 Nature of Interest: Application for consideration by Council to be appointed Acting Chief Executive Officer

### **3.5 HUA JER LIEW – DIRECTOR CORPORATE SERVICES – INTERESTS AFFECTING IMPARTIALITY**

Item: 7.5  
 Subject: Appointment of an Acting Chief Executive Officer  
 Nature of Interest: Application for consideration by Council to be appointed Acting Chief Executive Officer

### **3.6 WENDY HARRIS – DIRECTOR CORPORATE SERVICES – FINANCIAL INTEREST**

Item: 7.5  
 Subject: Appointment of an Acting Chief Executive Officer  
 Nature of Interest: Application for consideration by Council to be appointed Acting Chief Executive Officer

### **3.7 WENDY HARRIS – DIRECTOR REGIONAL SERVICES – INTERESTS AFFECTING IMPARTIALITY**

Item: 7.5  
 Subject: Appointment of an Acting Chief Executive Officer  
 Nature of Interest: Application for consideration by Council to be appointed Acting Chief Executive Officer



#### **4 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC**

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following report items are covered in Section 7 of this agenda:

- 4.1 OUTCOMES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW, REMUNERATION REVIEW FOR 2017/2018 AND CONTRACT RENEWAL
  - 4.2 ITEM 14.1 OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES – CHIEF EXECUTIVE OFFICER PERFORMANCE AND SALARY REVIEW FOR 2017/2018 AND OBJECTIVE SETTING FOR 2018/2019
  - 4.3 ITEM 14.2 OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES – CHIEF EXECUTIVE OFFICER - CONTRACT RENEWAL
  - 4.4 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS
  - 4.5 APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER
-



## 5 REPORTS OF EMPLOYEES

### 5.1 APPOINTMENT OF CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE AND PROCESS FOR THE RECRUITMENT OF A NEW CHIEF EXECUTIVE OFFICER

**REFERENCE: D2018/15109**

#### PURPOSE OF REPORT

The purpose of this report is for Council to:

- Approve the process for the recruitment of a new Chief Executive Officer for the Eastern Metropolitan Regional Council; and
- Appoint a Chief Executive Officer Recruitment Committee (CEORC) to assist Council with the recruitment of a new CEO.

#### KEY ISSUES AND RECOMMENDATION(S)

- Mr Schneider tendered his resignation from his role as Chief Executive Officer (CEO) of the Eastern Metropolitan Regional Council (the EMRC), by the giving of three months' notice effective 1 February 2019.
- As a consequence of the Chairman's discussion with Mr Schneider on 12 November 2018, and an agreed termination date, the position of CEO will potentially become vacant on 8 December 2018, making it necessary to commence recruitment of a new CEO.
- An indicative selection and recruitment timetable for a new CEO has been prepared for adoption by Council (Attachment 1).
- It is proposed that a Chief Executive Recruitment Committee (CEORC) be established to assist Council with the selection and recruitment process for a new CEO.
- It is proposed that the members of the current Chief Executive Officer Performance Review Committee be appointed as members of the CEORC.
- The Terms of Reference for the CEORC are detailed within Attachment 2.
- It is proposed that the selection and recruitment process is outsourced to a recruitment consultant or agency experienced in executive recruitment for local government.

#### Recommendation(s)

That:

1. Council approves the process and timetable for the selection and appointment of a Chief Executive Officer as detailed in Attachment 1 to this report.
2. Council by Absolute Majority in accordance with s5.8 of the *Local Government Act 1995* establishes a Chief Executive Officer Recruitment Committee, with terms of reference as contained within Attachment 2 of this report and the Committee be disbanded upon the signing by all parties of a contract of employment for the position of Chief Executive Officer of the Eastern Metropolitan Regional Council.
3. Council by Absolute Majority in accordance with s5.10 of the *Local Government Act 1995* appoints the members of the Chief Executive Officers Performance Review Committee as the members of the Chief Executive Officer Recruitment Committee.
4. Council by Absolute Majority in accordance with s5.16 of the *Local Government Act 1995* delegates to the Chief Executive Officer Recruitment Committee the power to engage a recruitment consultant or agency to assist in carrying out its functions.





*Item 5.1 continued*

## **SOURCE OF REPORT**

Manager Human Resources

## **BACKGROUND**

Mr Schneider tendered his resignation from his role as Chief Executive Officer (CEO) of the Eastern Metropolitan Regional Council (the EMRC), by the giving of three months' notice effective 1 February 2019.

As a consequence of the Chairman's discussion with Mr Schneider on 12 November 2018, and an agreed termination date, the position of CEO will potentially become vacant on 8 December 2018, making it necessary to commence recruitment of a new CEO.

The relevant legislation covering the advertising and appointment of a local government CEO is contained within Part 5 Division 4 of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* (regulation 18A to 18F).

The specific documentation that guides the recruitment and appointment process includes:

- Relevant sections of the *Local Government Act 1995* (5.36, 5.39, 5.40); and
- Relevant sections of the *Local Government (Administration) Regulations 1996* (18A, 18B, 18C, 18E, 18F).

## **REPORT**

Selecting and appointing a CEO is an important decision that should be underpinned by an effective recruitment and selection process. The process should be seen as being professional, confidential, and transparent, and be designed to attract suitably qualified and experienced candidates. In light of the importance of the position to the EMRC it is considered that the process of identifying a suitable replacement should be commenced as a matter of priority.

The *Local Government Act 1995* ("the Act") s5.36 prescribes that a local government is to employ a Chief Executive Officer and in accordance with regulation 18C of the *Local Government (Administration) Regulations 1996*, the selection and appointment process to be applied to a CEO position must be approved by Council prior to the position being advertised.

### **Role of Council**

In accordance with s5.36 of the Act Council is not to employ a person to the position of CEO unless they believe that the person is suitably qualified for the position and Council must also be satisfied with the provisions of the proposed employment contract.

Regulation 18C of the *Local Government (Administration) Regulations 1996* requires Council to approve the process to be used for the selection and appointment of a CEO (Attachment 1) before the position is advertised and must ensure that the remuneration and other benefits paid to a CEO upon appointment do not differ from the remuneration and benefits advertised for the position, in accordance with r18F.

### **Outsourcing the Recruitment Process**

One of the first decisions to be made by Council is whether to handle the recruitment in-house or appoint an independent external recruitment agency to coordinate the recruitment and selection process.

Although the EMRC's Manager Human Resources is skilled at recruiting staff at all levels, she has resigned from the organisation and her role is likely to be filled by a member of the HR team in an acting capacity, who has not previously been involved in a CEO recruitment assignment.

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### *Item 5.1 continued*

The appointment of an external recruitment consultant would ensure that sufficient resources are allocated specifically to the recruitment process and would enable the process to be strengthened with an executive search element. Generally, specialist recruitment consultants provide a professional and confidential service and possess a wide range of knowledge and skills in executive recruitment. Council had previously utilised the services of an external recruitment consultant to fill the current CEO's role.

Based on the brief provided, an external recruitment consultant could be involved in any or all of the following aspects of the recruitment and selection process:

- Development and review of the position description;
- Development of selection criterion for the position;
- Drafting of the advertisement and placement in the selected media;
- Preparation of candidate information packs;
- Acting as point of contact for application enquiries;
- Preliminary assessment of the applications;
- Final short-listing of suitable candidates;
- Drafting interview questions;
- Coordinating interviews;
- Conducting background and reference checks;
- Finalising the contract;
- And any other related matters.

It is recommended that a suitably experienced recruitment consultant or agency, preferably with experience in executive recruitment for local government, be engaged to complete this assignment. To assist this process, a consultancy brief will be prepared by the Manager Human Resources and a Request for Quotation (RFQ) will be advertised.

### **Recruitment Committee**

It is recommended that Council establish a CEO Recruitment Committee (CEORC) to coordinate the recruitment process as this will be an effective mechanism for completing the selection and recruitment of the CEO in a timely manner.

The committee could be tasked with any or all of the following functions:

1. To engage an external recruitment consultant to facilitate the recruitment process;
2. To work collaboratively with the consultant to determine an appropriate interview and selection process and develop the position description, selection criteria and performance criteria for the role;
3. To facilitate the preparation of an appropriate contract of employment prior to advertising the position;
4. To determine how many applicants, it will interview;
5. To arrange for up to four (4) preferred applicant(s) to attend Council for an interview and/or presentation prior to a decision to appoint being made by Council; and
6. To keep Council informed of the progress of the recruitment process by reporting to Council meetings.

The EMRC Human Resources staff will provide administrative support and guidance on the completion of appropriate documentation and reports to Council to ensure the recruitment and selection process meets EMRC and statutory requirements.

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*Item 5.1 continued*

Industry practise suggests that a committee set up for the purpose of recruiting a CEO would ideally consist of no more than 5 to 6 members, including the Chairman and Deputy Chairman.

The EMRC Chairman and Deputy Chairman are members of the current Chief Executive Officer Performance Review Committee (CEOPRC) and it is proposed that the CEOPRC members be appointed members of the CEORC with appropriate terms of reference and delegated power (Attachment 2).

If this is approved then the composition of the CEORC will be:

<b>Participant Local Government</b>	<b>Council Member</b>
Town of Bassendean	Cr Wilson
City of Bayswater	Cr Palmer
City of Belmont	Cr Powell
City of Kalamunda	Cr O'Connor
Shire of Mundaring	Cr Daw
City of Swan	Cr McDonnell

Alternatively, there is the option for Council to seek nominations from all Councillors who wish to be members of the CEORC.

**Timetable**

A timetable for the selection and recruitment of the new CEO has been prepared (Attachment 1). The actions and timeline includes a proposal that a Special Council meeting scheduled on 27 June 2019 for Council to interview up to four (4) preferred candidates through a presentation session and questions posed by the Council. It is anticipated the final decision on the preferred candidate for the position of CEO will be made at that meeting.

It is to be noted that the timelines are indicative and could change based on various matters including Councillor and prospective candidates' availability.

**STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 3 – Good Governance

3.3	To provide responsible and accountable governance and management of the EMRC
Policy 2.1	Chief Executive Officers Advisory Committee (CEOAC), Technical Advisory Committee (TAC), Resource Recovery Committee (RRC), Chief Executive Officer Performance Review Committee (CEOPRC), Audit Committee (AC), Investment Committee (IC), and determine attendance of officers at council meetings of the EMRC
Policy 4.1	Chief Executive Officer – Appointment, Performance Assessment and Review Policy

**FINANCIAL IMPLICATIONS**

\$25,000 has been provided in 2018/2019 annual budget for the recruitment of senior staff. Any additional costs will be funded in the half yearly budget review.

There are no direct financial implications arising from the establishment of the recruitment committee.



*Item 5.1 continued*

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## **ATTACHMENT(S)**

1. Chief Executive Officer (CEO) Recruitment Selection and Appointment Process and Indicative Timetable (Ref: D2018/15640)
2. Terms of Reference Chief Executive Officer Recruitment Committee (Ref: D2018/15641)

## **VOTING REQUIREMENT**

Recommendations 1	Simple Majority
Recommendations 2, 3 and 4	Absolute Majority

## **RECOMMENDATION(S)**

That:

1. Council approves the process and timetable for the selection and appointment of a Chief Executive Officer as detailed in Attachment 1 to this report.
2. Council by Absolute Majority in accordance with s5.8 of the *Local Government Act 1995* establishes a Chief Executive Officer Recruitment Committee, with terms of reference as contained within Attachment 2 of this report and the Committee be disbanded upon the signing by all parties of a contract of employment for the position of Chief Executive Officer of the Eastern Metropolitan Regional Council.
3. Council by Absolute Majority in accordance with s5.10 of the *Local Government Act 1995* appoints the members of the Chief Executive Officers Performance Review Committee as the members of the Chief Executive Officer Recruitment Committee.
4. Council by Absolute Majority in accordance with s5.16 of the *Local Government Act 1995* delegates to the Chief Executive Officer Recruitment Committee the power to engage a recruitment consultant or agency to assist in carrying out its functions.



*Item 5.1 continued*

The chairman noted the deletion of recommendation 5 to Councillors which would be dealt with administratively, explaining that the report was no longer a confidential item.

*“5. The report and attachments remain confidential and be certified by the Chief Executive Officer and the Chairman.”*

Councillors discussed the CEO Recruitment Selection and Appointment Process and Indicative Timetable with the following points raised:

- Collaboration of Request for Quote to include CEORC members;
- Suggestion of other means of advertising; and
- Possible shorter timeline in order to obtain quality candidates.

**COUNCIL RESOLUTION(S)**

MOVED CR LAVELL

SECONDED CR MYKYTIUK

THAT:

1. COUNCIL APPROVES THE PROCESS AND TIMETABLE FOR THE SELECTION AND APPOINTMENT OF A CHIEF EXECUTIVE OFFICER AS DETAILED IN ATTACHMENT 1 TO THIS REPORT.
2. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S5.8 OF THE *LOCAL GOVERNMENT ACT 1995* ESTABLISHES A CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE, WITH TERMS OF REFERENCE AS CONTAINED WITHIN ATTACHMENT 2 OF THIS REPORT AND THE COMMITTEE BE DISBANDED UPON THE SIGNING BY ALL PARTIES OF A CONTRACT OF EMPLOYMENT FOR THE POSITION OF CHIEF EXECUTIVE OFFICER OF THE EASTERN METROPOLITAN REGIONAL COUNCIL.
3. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S5.10 OF THE *LOCAL GOVERNMENT ACT 1995* APPOINTS THE MEMBERS OF THE CHIEF EXECUTIVE OFFICERS PERFORMANCE REVIEW COMMITTEE AS THE MEMBERS OF THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE.
4. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S5.16 OF THE *LOCAL GOVERNMENT ACT 1995* DELEGATES TO THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE THE POWER TO ENGAGE A RECRUITMENT CONSULTANT OR AGENCY TO ASSIST IN CARRYING OUT ITS FUNCTIONS.

**CARRIED UNANIMOUSLY**

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## CHIEF EXECUTIVE OFFICER (CEO) RECRUITMENT SELECTION AND APPOINTMENT PROCESS AND INDICATIVE TIMETABLE

ID	Task Name	Date	CEORC Meeting	Council Meeting
1.	<b>Special Council meeting</b> <ul style="list-style-type: none"> <li>• Council resolves to appoint a Chief Executive Officer Recruitment Committee (CEORC)</li> <li>• Council appoints current Chief Executive Officer Performance Review Committee as members of the CEOPRC</li> <li>• Council resolves to seek quotes from an external recruitment consultant or agency</li> </ul>			29 November 2018
2.	<ul style="list-style-type: none"> <li>• Request for Quote (RFQ) document finalised by staff in consultation with the EMRC Chairman and CEORC Chair.</li> <li>• RFQ advertised</li> <li>• RFQ assessed (by EMRC staff)</li> </ul>	December 2018 / January 2019		
3.	<b>CEORC Meeting</b> <ul style="list-style-type: none"> <li>• CEORC meeting to discuss RFQ submissions.</li> <li>• Consultants may be required to make 30 minute presentation outlining their proposals.</li> <li>• CEORC to select preferred consultant</li> <li>• Consultant provided offer of engagement letter</li> </ul>		14 February 2019	
4.	<b>CEORC workshop with the consultant to develop:</b> <ul style="list-style-type: none"> <li>• Profile of preferred applicant (i.e. essential and desired skills, abilities, knowledge and qualifications)</li> <li>• recruitment methodology;</li> <li>• draft advertisement;</li> <li>• remuneration package;</li> <li>• develop position description;</li> <li>• draft contract of employment;</li> <li>• any other matters (e.g. psychometric testing)</li> </ul>		28 February 2019	
5.	<b>Council meeting to approve:</b> <ul style="list-style-type: none"> <li>• Recruitment methodology;</li> <li>• Advertisement;</li> <li>• Position description;</li> <li>• Remuneration package;</li> <li>• Draft contract of employment.</li> </ul>			21 March 2019
6.	<b>Legal advice</b> <ul style="list-style-type: none"> <li>• Legal advice on draft employment contract terms and conditions</li> </ul>	March / April 2018		
7.	<b>Advertisement</b> <ul style="list-style-type: none"> <li>• Advertisement to be placed in national newspapers and the EMRC website (open for up to one month)</li> <li>• Consultant to manage all enquires and applications</li> </ul>	Saturday 30 March 2019		

ID	Task Name	Date	CEORC Meeting	Council Meeting
8.	<b>Shortlisting</b> <ul style="list-style-type: none"> <li>• Shortlisting and preliminary interviews to be conducted by the consultant.</li> <li>• Psychometric and other testing for shortlisted candidates from interview with the Consultant to be undertaken (if required).</li> </ul>	May 2019		
9.	<b>CEORC Meeting</b> <ul style="list-style-type: none"> <li>• Consultant to provide a report on all candidates who applied for the role of CEO, including recommendations to enable the CEORC to select candidates who are to proceed to the next stage of the process (Interview with CEORC)</li> <li>• CEORC select candidates for preliminary interview</li> <li>• Consultant to develop interview questions with CEORC</li> </ul>		30 May 2019	
10.	<b>CEORC Interviews</b> <ul style="list-style-type: none"> <li>• Consultant to schedule CEORC interviews with potential candidates.</li> <li>• Consultant to provide CEORC members with all required documentation for the interviews (e.g. questions and candidate information)</li> <li>• CEORC members to interview candidates</li> <li>• CEORC members select the four (4) candidates who are to proceed to the next stage of the process (Interview with whole Council)</li> <li>• Consultant to conduct background and reference checking (current and past employers whether nominated as a referee or otherwise) to be conducted, qualifications verified for preferred candidates, integrity and conduct checks etc.</li> </ul>	May 2019		
11.	<b>Council Meeting</b> <ul style="list-style-type: none"> <li>• Consultant to provide a confidential report on all candidates interviewed, including the CEORC recommendations regarding the four (4) candidates who are to proceed to the next stage of the process (Interview with whole Council)</li> <li>• Timetable for Council interviews.</li> </ul>			20 June 2019
12.	<b>Special Council Meeting</b> <ul style="list-style-type: none"> <li>• Council interviews conducted with four (4) shortlisted candidates</li> <li>• Council to make a decision on the preferred candidate</li> </ul>			27 June 2019
13.	Offer made to the preferred candidate.	July 2019		
14.	Possible negotiations in respect of the offer of employment.	July 2019		
15.	Employment contract finalised based on package determined by Council and acceptance of offer.	July 2019		
16.	Consultant to advise unsuccessful candidates and provide feedback (if required).	July 2019		
17.	Formal announcement made of the appointment to the position of Chief Executive Officer	July 2019		

**TERMS OF REFERENCE  
CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE**

**1. OBJECTIVES OF THE COMMITTEE**

The Chief Executive Officer Recruitment Committee (CEORC) is a formally appointed committee of Council and is responsible to that body.

**2. RESPONSIBILITIES**

To exercise the powers and functions of Council in respect to the recruitment and selection of the Chief Executive Officer in accordance with the requirements of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

**3. DUTIES**

The obligations of the Committee are as follows:

- a) Seeking expressions of interest and quotations from external recruitment agencies to assist the Committee to carry out its functions.
- b) Delegated power to engage an independent recruitment agency to assist the Committee to carry out its functions.
- c) Keeping Council informed of the progress of the recruitment process by reporting back to Council.
- d) Using the independent recruitment agency to assist it in its functions to:
  - i. Define and scope the services and techniques of the recruitment;
  - ii. Assist with a review of the position requirements and the development of the position description for the role;
  - iii. Prepare draft Key Performance Indicators for the position of Chief Executive Officer;
  - iv. Construct the remuneration package to be offered for the position;
  - v. Advertise for the position of Chief Executive Officer;
  - vi. Review the form and content of the contract to be offered to the preferred candidate;
  - vii. Shortlist and interview suitable candidates;
  - viii. Conduct background, reference, and qualification checks of candidates;
  - ix. Provide written reports to Council on the preferred candidates and the outcome of the interviews;
  - x. In conjunction with the consultant, make recommendations on the preferred candidate(s) for the position of Chief Executive Officer, together with the proposed terms and conditions relevant to the appointment.
- e) Arranging for the preferred candidate(s) to attend Council for a presentation / interview prior to the recommendation of appointment being considered by Council.
- f) Negotiate the terms of the contract and performance indicators in accordance with Council's resolution.

**4. MEMBERSHIP**

- 4.1 The Committee will comprise of members of the Chief Executive Performance Review Committee.



## **5. MEETINGS**

- 5.1 The Committee shall hold regular meetings at such times and on such days as the Council may determine by resolution.
- 5.2 Additional meetings will be convened at the discretion of the Chairperson.

## **6. OPERATING PROCEDURES**

- 6.1 All meetings of the Committee are to be conducted in accordance with the Local Government Act 1995, associated Regulations and the EMRC Standing Orders Local Law 2013.
- 6.2 A quorum for a meeting of the Committee shall be at least 50% of the number of offices (whether vacant or not) of member of the Committee.
- 6.3. Voting
- (a) All decisions of the Committee shall be made on the basis of a simple majority decision of the members present or, if another kind of majority has been prescribed by regulations for the particular kind of decision, by that kind of majority.
  - (b) If the decision results in a tied vote, the person presiding is to cast a second vote.
  - (c) Persons other than Committee members are not entitled to cast a vote.
  - (d) All other aspects related to voting procedure shall be consistent with relevant sections of the EMRC Standing Orders Local Law 2013.
- 6.4 Other EMRC staff may attend meetings, at the discretion of the Chief Executive Officer, to provide advice and information when required.
- 6.5 Additional persons, including consultants may be invited at the discretion of the Chief Executive Officer to provide advice and information when required

## **7. REPORTING**

- 7.1 The Committee shall after every meeting forward the minutes of that meeting to the next Ordinary Meeting of Council, including a report explaining any specific recommendations.
- 7.2 The item of Council business referred to in relation to this is to be treated as confidential in accordance with s.5.23(2) of the Local Government Act 1995, r14(2) of the Local Government (Administration) Regulations 1996, EMRC Standing Orders 2013 and Council's Policy for dealing with confidential items.

## **8. DELEGATED POWER**

The Committee has delegated power to:

- Engage an independent recruitment consultant or agency; and
- Shortlist candidates for the position of Chief Executive Officer for presentation / interview with the Council.

All other matters are to be referred to Council for consideration.

## **9. LIFE OF THE COMMITTEE**

The CEO Recruitment Committee will be automatically disbanded upon the signing by all parties of a contract of employment for the position of Chief Executive Officer.

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**Related Documentation:**

Policy 1.5 Meeting Agenda / Minutes – Confidential Items

Policy 2.1 Committees of Council

Policy 4.1 Chief Executive Officer Appointment and Performance Review

EMRC Standing Orders Local Law 2013

EMRC Code of Conduct

**Administration:**

Adopted by Council: 29 November 2018

Next Review: As required

Responsible: Chief Executive Officer



## **6 REPORTS OF COMMITTEES**

### **6.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD 27 SEPTEMBER 2018**

**(REFER TO MINUTES OF COMMITTEE – MAUVE PAGES)**

**REFERENCE: D2018/12200 (CEOPRC) – D2018/15267**

The minutes of the Chief Executive Officer Performance Review Committee meeting held on **27 September 2018** accompany and form part of this agenda – (refer to mauve section of 'Minutes of Committees' for Council accompanying this Agenda).

### **QUESTIONS**

The Chairman invited general questions from members on the minutes of the Chief Executive Officer Performance Review Committee. Any questions relating to the confidential reports will be dealt with under section 7 of the agenda "Confidential Items."

### **RECOMMENDATION(S)**

That Council notes the minutes of the Chief Executive Officer Performance Review Committee meeting held 27 September 2018.

### **COUNCIL RESOLUTION(S)**

MOVED CR KOVALEVS

SECONDED CR DAW

THAT COUNCIL NOTES THE MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD 27 SEPTEMBER 2018.

**CARRIED UNANIMOUSLY**

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**CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (CEOPRC)**

**MINUTES**

**27 September 2018**

**(Ref: D2018/12200 (CEOPRC) – D2018/15267)**

A meeting of the Chief Executive Officer Performance Review Committee was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 27 September 2018**. The meeting commenced at **5:31pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 5:31pm.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

### Committee Members

Cr Jai Wilson	EMRC Member	Town of Bassendean
Cr Sally Palmer	EMRC Member	City of Bayswater
Cr Janet Powell	EMRC Member	City of Belmont
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr David McDonnell	EMRC Member	City of Swan

### Visitor(s)

Mr John Phillips	John Phillips Consulting
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### EMRC Officers

Mr Peter Schneider	Chief Executive Officer
Mrs Prapti Mehta	Manager Human Resources

## 3 DISCLOSURE OF INTERESTS

At the invitation of the Chairman, the Chief Executive Officer advised the following disclosures of interest.

### 3.1 PRAPTI MEHTA – MANAGER HUMAN RESOURCES – INTERESTS AFFECTING IMPARTIALITY

Item:	14.1
Subject:	Confidential Item 14.1 - Chief Executive Officer Performance and Salary Review for 2017/2018 and Objective Setting for 2018/2019
Nature of Interest:	Disclosure of Interests Affecting Impartiality, EMRC Code of Conduct 2.3. Due to reporting relationship to the CEO
Item:	14.2
Subject:	Confidential Item 14.2 - Chief Executive Officer – Contract Renewal
Nature of Interest:	Disclosure of Interests Affecting Impartiality, EMRC Code of Conduct 2.3. Due to reporting relationship to the CEO

### 3.2 PETER B. SCHNEIDER – CHIEF EXECUTIVE OFFICER – INTERESTS AFFECTING IMPARTIALITY

Item:	14.1
Subject:	Confidential Item 14.1 - Chief Executive Officer Performance and Salary Review for 2017/2018 and Objective Setting for 2018/2019
Nature of Interest:	Disclosure of Interests Affecting Impartiality, EMRC Code of Conduct 2.3. Subject matter of the Report directly applies to the Chief Executive Officer
Item:	14.2
Subject:	Confidential Item 14.2 - Chief Executive Officer – Contract Renewal
Nature of Interest:	Disclosure of Interests Affecting Impartiality, EMRC Code of Conduct 2.3. Subject matter of the Report directly applies to the Chief Executive Officer



### **3.3 PETER B. SCHNEIDER – CHIEF EXECUTIVE OFFICER – FINANCIAL INTEREST**

Item: 14.1  
 Subject: Confidential Item 14.1 - Chief Executive Officer Performance and Salary Review for 2017/2018 and Objective Setting for 2018/2019  
 Nature of Interest: Disclosure of Financial Interest, Sections 5.60B, 5.65, 5.70 and 5.71 of the *Local Government Act 1995*.  
 Subject matter of the Report directly applies to the Chief Executive Officer

Item: 14.2  
 Subject: Confidential Item 14.2 - Chief Executive Officer – Contract Renewal  
 Nature of Interest: Disclosure of Financial Interest, Sections 5.60B, 5.65, 5.70 and 5.71 of the *Local Government Act 1995*.  
 Subject matter of the Report directly applies to the Chief Executive Officer

### **4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

### **5 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

### **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

#### **6.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD 16 AUGUST 2018**

That the minutes of the Chief Executive Officer Performance Review Committee meeting held on 16 August 2018 which have been distributed, be confirmed.

#### **CEOPRC RESOLUTION(S)**

MOVED CR MCDONNELL                      SECONDED CR POWELL

THAT THE MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 16 AUGUST 2018 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

**CARRIED UNANIMOUSLY**

### **7 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

### **8 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Cr Palmer raised the following question:

The City of Bayswater had written to the EMRC Chief Executive Officer regarding the EMRC's submission on the Local Government Act Review to the Department of Local Government, Cr Palmer queried whether a response had been provided.

The Chief Executive Officer advised that a response had been sent to the City of Bayswater.



## **9 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC**

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following report items are covered in Section 14 of this agenda.

9.1 CHIEF EXECUTIVE OFFICER PERFORMANCE AND SALARY REVIEW FOR 2017/2018 AND OBJECTIVE SETTING FOR 2018/2019

9.2 CHIEF EXECUTIVE OFFICER - CONTRACT RENEWAL

## **10 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Nil

## **11 REPORTS OF EMPLOYEES**

Nil

## **12 REPORTS OF DELEGATES**

Nil

## **13 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING**

Nil

## **14 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

### **RECOMMENDATION (Closing meeting to the public)**

That the meeting be closed to members of the public in accordance with Section 5.23 (2)(a), (b), (c) and (e) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

### **CEOPRC RESOLUTION(S)**

MOVED CR DAW

SECONDED CR MCDONNELL

THAT THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2)(A), (B), (C) AND (E) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**CARRIED UNANIMOUSLY**

The meeting was closed to the public at 5:40pm.

The Chief Executive Officer departed the meeting at 5:41pm.







### **RECOMMENDATION (Closing meeting to the public)**

That the meeting be closed to members of the public in accordance with Section 5.23 (2)(a), (b), (c) and (e) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

### **CEOPRC RESOLUTION**

MOVED CR MCDONNELL                      SECONDED CR PALMER

THAT THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2)(A), (B), (C) AND (E) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**CARRIED UNANIMOUSLY**

### **CEOPRC RESOLUTION(S)**

MOVED CR PALMER                      SECONDED CR WILSON

THAT THE STANDING ORDERS BE SUSPENDED.

**CARRIED UNANIMOUSLY**

The Standing Orders were suspended at 5:40pm.

The Chief Executive Officer departed the meeting at 6:15pm.

### **CEOPRC RESOLUTION(S)**

MOVED CR MCDONNELL                      SECONDED CR PALMER

THAT THE STANDING ORDERS BE REINSTATED.

**CARRIED UNANIMOUSLY**

The Standing Orders were reinstated at 7:32pm.

At the invitation of the Committee, the Chief Executive Officer re-entered the meeting room at 7:35pm.

### **RECOMMENDATION [Meeting re-opened to the public]**

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

### **CEOPRC RESOLUTION**

MOVED CR MCDONNELL                      SECONDED CR PALMER

THAT THE MEETING BE RE-OPENED, THE MEMBERS OF THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**

The meeting was reopened to the public at 7:46pm.



## **CEOPRC RESOLUTION**

MOVED CR DAW

SECONDED CR PALMER

THAT THE MEETING BE ADJOURNED TO 5:30PM ON MONDAY 12 NOVEMBER 2018.

**CARRIED UNANIMOUSLY**

The Chairman declared the meeting adjourned at 7:46pm and to be reconvened on Monday, 12 November 2018 at 5:30pm.

The meeting reconvened on 12 November 2018 at 5:40pm.

Crs O'Connor, Palmer, Powell, Daw and McDonnell were in attendance. Cr Wilson was an apology.

Mr Peter Schneider, CEO; Ms Prapti Mehta, Manager Human Resources and Mr John Phillips of John Phillips Consulting were also in attendance.

The CEO read out the Declarations of Interest that had been received from himself and Manager Human Resources.

## **RECOMMENDATION (Closing meeting to the public)**

That the meeting be closed to members of the public in accordance with Section 5.23 (2)(a), (b), (c) and (e) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

## **CEOPRC RESOLUTION**

MOVED CR MCDONNELL

SECONDED CR POWELL

THAT THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2)(A), (B), (C) AND (E) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**CARRIED UNANIMOUSLY**

The meeting was closed to the public at 5:41pm.

The Chief Executive Officer departed the meeting at 5:46pm.

The Committee considered the Confidential Items 14.1 and 14.2 circulated with the Agenda under separate cover.

### **14.1 CHIEF EXECUTIVE OFFICER PERFORMANCE AND SALARY REVIEW FOR 2017/2018 AND OBJECTIVE SETTING FOR 2018/2019**

#### **REFERENCE: D2018/12165**

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

The Committee considered the Confidential Item circulated with the Agenda under Separate Cover.



## **14.2 CHIEF EXECUTIVE OFFICER - CONTRACT RENEWAL**

**REFERENCE: D2018/12320**

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

At the invitation of the Chairman, the Chief Executive Officer re-entered the meeting at 6:08pm.

### **RECOMMENDATION [Meeting re-opened to the public]**

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

### **CEOPRC RESOLUTION(S)**

MOVED CR MCDONNELL                      SECONDED CR POWELL

THAT THE MEETING BE RE-OPENED, THE MEMBERS OF THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**

The meeting was reopened to the public at 6:08pm.

Recording of the recommendations passed behind closed doors, namely:

## **14.1 CHIEF EXECUTIVE OFFICER PERFORMANCE AND SALARY REVIEW FOR 2017/2018 AND OBJECTIVE SETTING FOR 2018/2019**

**REFERENCE: D2018/12165**

### **CEOPRC RESOLUTION(S)**

MOVED CR DAW                                      SECONDED CR PALMER

THAT:

1. COUNCIL ASSESSES THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE FOR THE PERIOD 1 JULY 2017 TO 30 JUNE 2018 AS MEETS PERFORMANCE REQUIREMENTS.
2. COUNCIL CONSIDERS RECOMMENDATIONS MADE BY THE SALARIES AND ALLOWANCES TRIBUNAL IN RELATION TO THE REVIEW OF THE CHIEF EXECUTIVE OFFICER'S REMUNERATION, AND APPROVES 0% INCREASE TO BE MADE TO THE CHIEF EXECUTIVE OFFICER'S REMUNERATION EFFECTIVE 1 JULY 2018.
3. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**MOTION CARRIED 4/1**



## **14.2 CHIEF EXECUTIVE OFFICER - CONTRACT RENEWAL**

**REFERENCE: D2018/12320**

### **CEOPRC RESOLUTION(S)**

MOVED CR PALMER

SECONDED CR MCDONNELL

THAT:

1. COUNCIL CONSIDERATION OF A FURTHER EMPLOYMENT CONTRACT WITH MR PETER BERNARD SCHNEIDER IS NOT REQUIRED AS A RESULT OF HIS RESIGNATION FROM THE ROLE OF CHIEF EXECUTIVE OFFICER.
2. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**CARRIED UNANIMOUSLY**

## **15 FUTURE MEETINGS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE**

The next meeting of the CEOPRC will be held on a date and at a venue to be advised.

## **16 DECLARATION OF CLOSURE OF MEETING**

There being no further business the meeting was closed at 6:17pm.



## **7 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

### **RECOMMENDATION (Closing meeting to the public)**

That with the exception of ....., the meeting be closed to members of the public in accordance with Section 5.23 (2) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

### **COUNCIL RESOLUTION**

MOVED CR KOVALEVS

SECONDED CR MYKYTIUK

THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, MANAGER HUMAN RESOURCES, MR JOHN PHILLIPS, JOHN PHILLIPS CONSULTING AND THE EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE OFFICER THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**CARRIED UNANIMOUSLY**

The doors of the meeting were closed at 6:41pm and members of the public departed the Council Chambers.

The Chief Executive Officer, Manager Human Resources; Mr John Phillips, John Philips Consulting and the Executive Assistant to the Chief Executive Officer remained in Council Chambers.

### **7.1 OUTCOMES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW, REMUNERATION REVIEW FOR 2017/2018 AND CONTRACT RENEWAL**

**REFERENCE: (D2018/15107)**

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.

### **7.2 ITEM 14.1 OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES – CHIEF EXECUTIVE OFFICER PERFORMANCE AND SALARY REVIEW FOR 2017/2018 AND OBJECTIVE SETTING FOR 2018/2019**

**REFERENCE: (D2018/15898)**

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.



### **7.3 ITEM 14.2 OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES – CHIEF EXECUTIVE OFFICER - CONTRACT RENEWAL**

**REFERENCE: (D2018/15899)**

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.

### **7.4 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS**

**REFERENCE: D2018/15108**

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.

### **7.5 APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER**

**REFERENCE: D2018/15230**

This item is recommended to be confidential because it contains matters affecting an employee and is to be treated as confidential in accordance with EMRC Policy 4.1 – Chief Executive Officer Appointment, Performance Assessment and Review Policy.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.

### **RECOMMENDATION [Meeting re-opened to the public]**

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

### **COUNCIL RESOLUTION**

MOVED CR MCKENNA

SECONDED CR LAVELL

THAT THE MEETING BE RE-OPENED, THE MEMBERS OF THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**

The doors of the meeting were re-opened at 8.17pm and members of the public returned to the Council Chambers.

The resolutions passed behind closed doors were read aloud by the Chairman.

Recording of the resolutions passed behind closed doors, namely:

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**7.1 OUTCOMES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW, REMUNERATION REVIEW FOR 2017/2018 AND CONTRACT RENEWAL**

**REFERENCE: (D2018/15107)**

**COUNCIL RESOLUTION(S)**

MOVED CR DAW

SECONDED CR MYKYTIUK

1. THAT COUNCIL ACCEPTS THE DRAFT CHIEF EXECUTIVE OFFICER – ANNUAL APPRAISAL REPORT 2018 FORMING THE ATTACHMENT TO THIS REPORT.
2. THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**CARRIED UNANIMOUSLY**

**7.2 ITEM 14.1 OF THE CHIEF EXECUTIVE OFFICERS PERFORMANCE REVIEW COMMITTEE MINUTES – CHIEF EXECUTIVE OFFICER PERFORMANCE AND SALARY REVIEW FOR 2017/2018 AND OBJECTIVE SETTING FOR 2018/2019**

**REFERENCE: (D2018/15898)**

**COUNCIL RESOLUTION(S)**

MOVED CR O'CONNOR

SECONDED CR DAW

THAT:

1. COUNCIL ASSESSES THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE FOR THE PERIOD 1 JULY 2017 TO 30 JUNE 2018 AS MEETS PERFORMANCE REQUIREMENTS.
2. COUNCIL CONSIDERS RECOMMENDATIONS MADE BY THE SALARIES AND ALLOWANCES TRIBUNAL IN RELATION TO THE REVIEW OF THE CHIEF EXECUTIVE OFFICER'S REMUNERATION, AND APPROVES 0% INCREASE TO BE MADE TO THE CHIEF EXECUTIVE OFFICER'S REMUNERATION EFFECTIVE 1 JULY 2018.
3. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**CARRIED UNANIMOUSLY**

**7.3 ITEM 14.2 OF THE CHIEF EXECUTIVE OFFICERS PERFORMANCE REVIEW COMMITTEE MINUTES – CHIEF EXECUTIVE OFFICER - CONTRACT RENEWAL**

**REFERENCE: (D2018/15899)**

**COUNCIL RESOLUTION(S)**

MOVED CR MYKYTIUK

SECONDED CR PIFFARETTI

THAT:

1. COUNCIL CONSIDERATION OF A FURTHER EMPLOYMENT CONTRACT WITH MR PETER BERNARD SCHNEIDER IN THE POSITION OF CHIEF EXECUTIVE OFFICER IS NOT REQUIRED AS A RESULT OF HIS RESIGNATION DATED 1 NOVEMBER 2018.
2. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**CARRIED UNANIMOUSLY**

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#### **7.4 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS**

**REFERENCE: D2018/15108**

##### **COUNCIL RESOLUTION(S)**

MOVED CR LAVELL

SECONDED CR MCKENNA

THAT:

1. COUNCIL ACKNOWLEDGES THE CHIEF EXECUTIVE OFFICER'S RESIGNATION AND AGREES TO TERMINATE HIS EMPLOYMENT WITH THE EASTERN METROPOLITAN REGIONAL COUNCIL ON 7 DECEMBER 2018.
2. THE COUNCIL AUTHORISES THE CHAIRMAN TO FINALISE MATTERS RELATED TO THE CHIEF EXECUTIVE OFFICER TERMINATION OF EMPLOYMENT AS OUTLINED WITHIN THIS REPORT.
3. THE CHIEF EXECUTIVE OFFICER BE THANKED FOR HIS DEDICATED SERVICE AND CONTRIBUTION TO THE EASTERN METROPOLITAN REGIONAL COUNCIL.
4. AN APPROPRIATE FUNCTION COMPRISING COUNCILLORS, EMRC STAFF, MEMBER COUNCIL CEOS AND OTHER INVITED GUESTS BE ORGANISED TO FORMALLY FAREWELL MR SCHNEIDER.
5. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHIEF EXECUTIVE OFFICER AND CHAIRMAN.

**CARRIED UNANIMOUSLY**

#### **7.5 APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER**

**REFERENCE: D2018/15230**

##### **COUNCIL RESOLUTION(S)**

MOVED CR MCKENNA

SECONDED CR LAVELL

THAT:

1. COUNCIL APPOINT WENDY HARRIS TO THE ROLE OF ACTING CHIEF EXECUTIVE OFFICER EFFECTIVE 8 DECEMBER 2018 FOR A PERIOD OF UP TO 12 MONTHS.
2. COUNCIL APPROVE THE TOTAL REWARD PACKAGE RANGE FOR THE ACTING CHIEF EXECUTIVE OFFICER POSITION COMPRISING OF A BASE SALARY \$178,563.32, 9.5% SUPERANNUATION \$16,963.52, 5% SUPERANNUATION \$8,928.17, TOTAL AMOUNT \$204,455.00.
3. COUNCIL ENDORSE THE "LETTER OF APPOINTMENT" FOR THE POSITION OF ACTING CHIEF EXECUTIVE OFFICER AS CONTAINED WITHIN ATTACHMENT 2 OF THIS REPORT.
4. COUNCIL ENDORSE THE POSITION DESCRIPTION FOR THE POSITION OF ACTING CHIEF EXECUTIVE OFFICER AS CONTAINED WITHIN ATTACHMENT 3 OF THIS REPORT.
5. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**CARRIED 7/4**

**For** Cr McKenna, Cr Powell, Cr O'Connor, Cr Stallard, Cr Daw, Cr Lavell, Cr McDonnell  
**Against** Cr Mykytiuk, Cr Hamilton, Cr Piffaretti, Cr Kovalevs





## 8 FUTURE MEETINGS OF COUNCIL

The next Ordinary meeting of Council will be held on **Thursday, 6 December 2018** at the EMRC Administration Office, 1<sup>st</sup> Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

### Future Meetings 2019

Thursday	21 February		at	EMRC Administration Office
Thursday	21 March		at	EMRC Administration Office
Thursday	18 April	(if required)	at	EMRC Administration Office
Thursday	23 May	(if required)	at	EMRC Administration Office
Thursday	20 June		at	EMRC Administration Office
Thursday	18 July	(if required)	at	EMRC Administration Office
Thursday	22 August	(if required)	at	EMRC Administration Office
Thursday	19 September		at	EMRC Administration Office
Thursday	5 December		at	EMRC Administration Office
January 2020 (recess)				

The Chairman thanked the Director Corporate Services for his application for the role of Acting Chief Executive Officer.

## 9 DECLARATION OF CLOSURE OF MEETING

There being no further business, the meeting was closed at 8:21pm.