



## **SECTION 15**

# **Minutes of Committees**

For the Ordinary Meeting of Council

5 December 2019

**Item 15.1 – CEOPRC Minutes 1 October 2019**

**Item 15.2 – CEOPRC Minutes 17 October 2019**

**Item 15.3 – WAC Minutes 21 November 2019**

**Item 15.4 – AC Minutes 21 November 2019**

**Item 15.5 – CEOAC Minutes 26 November 2019**

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

**MINUTES**

**1 October 2019**

**(Ref: D2019/14602 (CEOPRC) - D2019/17336)**

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 **1 October 2019**. The meeting commenced at **5:37pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 5:37pm, welcomed Councillors 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 (PREVIOUSLY APPROVED)

### Committee Members

Cr Dylan O'Connor (Chairman)	EMRC Member	City of Kalamunda
Cr David McDonnell (Deputy Chairman)	EMRC Member	City of Swan
Cr Jai Wilson	EMRC Member	Town of Bassendean
Cr Sally Palmer	EMRC Member	City of Bayswater
Cr John Daw	EMRC Member	Shire of Mundaring

### Visitor(s)

Mr Prapti Mehta	Consultant
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### EMRC Officers

Mr Marcus Geisler	Chief Executive Officer
Ms Angela Wolstencroft	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 ANGELA WOLSTENCROFT – MANAGER HUMAN RESOURCES – INTERESTS AFFECTING IMPARTIALITY

Item:	14.1
Subject:	Confidential Item 14.1 - Chief Executive Officer (CEO) - Probationary Review
Nature of Interest:	Disclosure of Interests Affecting Impartiality, EMRC Code of Conduct 2.3. Due to reporting relationship to the CEO

### 3.2 MARCUS GEISLER – CHIEF EXECUTIVE OFFICER – INTERESTS AFFECTING IMPARTIALITY

Item:	14.1
Subject:	Confidential Item 14.1 - Chief Executive Officer (CEO) - Probationary Review
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 MARCUS GEISLER – CHIEF EXECUTIVE OFFICER – FINANCIAL INTEREST

Item:	14.1
Subject:	Confidential Item 14.1 - Chief Executive Officer (CEO) - Probationary Review
Nature of Interest:	Disclosure of Financial Interest, Sections 5.60B, 5.65, 5.70 and 5.71 of the <i>Local Government Act 1995</i> . 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**

Nil

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

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

That the minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 September 2018 which have been distributed, be confirmed.

It was discussed at the meeting that the confirmation of the 27 September 2018 minutes be deferred until the next CEOPRC meeting being held on 17 October 2019.

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

MOVED CR MCDONNELL

SECONDED CR WILSON

THAT THE MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 27 SEPTEMBER 2018 BE DEFERRED FOR CONFIRMATION TO THE CEOPRC MEETING BEING HELD ON 17 OCTOBER 2019.

**CARRIED UNANIMOUSLY**

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

Nil

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

Nil

## **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 item is covered in Section 14 of this agenda.

### **9.1 CHIEF EXECUTIVE OFFICER (CEO) – PROBATIONARY REVIEW**



**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**

MOVED CR MCDONNELL                      SECONDED CR WILSON

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.

**14.1 CHIEF EXECUTIVE OFFICER (CEO) PROBATIONARY REVIEW**

**REFERENCE: D2019/14607**

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.

See Confidential Item circulated with the Agenda under Separate Cover.

**CEOPRC RESOLUTION(S)**

MOVED CR MCDONNELL                      SECONDED CR WILSON

THAT THE STANDING ORDERS BE SUSPENDED.

**CARRIED UNANIMOUSLY**



The Standing Orders were suspended at 5:42pm.

The Chief Executive Officer departed the meeting at 6:30pm.

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

MOVED CR MCDONNELL                      SECONDED CR PALMER

THAT STANDING ORDERS BE REINSTATED.

**CARRIED UNANIMOUSLY**

The Standing Orders were reinstated at 6:33pm.

### **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 6:36pm.

Recording of the recommendations passed behind closed doors, namely:

#### **14.1 CHIEF EXECUTIVE OFFICER (CEO) PROBATIONARY REVIEW**

**REFERENCE: D2019/14607**

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

MOVED CR MCDONNELL                      SECONDED CR PALMER

THAT:

1. CONFIRMS THE APPOINTMENT OF PRAPTI MEHTA AS THE CONSULTANT TO ASSIST THE COMMITTEE IN REVIEWING THE PERFORMANCE OF THE CHIEF EXECUTIVE OFFICER DURING HIS PROBATIONARY PERIOD.
2. THE COMMITTEE APPROVES THE CHIEF EXECUTIVE OFFICERS PROBATIONARY REVIEW FORM PROVIDED BY THE CONSULTANT.
3. APPROVES THE PROCESS TO BE UNDERTAKEN IN RELATION TO THE CHIEF EXECUTIVE OFFICER'S PROBATIONARY REVIEW
4. THAT THE COMMITTEE RECEIVES THE KEY PERFORMANCE INDICATOR TIMEFRAMES AS OUTLINED IN SCHEDULE 3 OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT CONTRACT AS AMENDED IN CONJUNCTION WITH THE CHIEF EXECUTIVE OFFICER.
5. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER.

**CARRIED UNANIMOUSLY**



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

The next meeting of the Chief Executive Officer Performance Review Committee will be held on **Thursday, 17 October 2019** at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Belmont WA 6104 commencing at 5:30pm.

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

There being no further business the meeting was closed at 6:38pm.

**CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (CEOPRC)****MINUTES****17 October 2019****(Ref: D2019/14658 (CEOPRC) - D2019/17337)**

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 **17 October 2019**. The meeting commenced at **5:11pm**.

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<b>6</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	<b>2</b>
6.1	<i>MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD 27 SEPTEMBER 2018 (Ref: D2018/12200)</i>	
6.2	<i>MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD 1 OCTOBER 2019 (Ref: D2019/15110)</i>	
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<b>9</b>	<b>ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC</b>	<b>2</b>
9.1	<i>CHIEF EXECUTIVE OFFICER PROBATIONARY REVIEW</i>	<b>3</b>
<b>10</b>	<b>BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING</b>	<b>3</b>
<b>11</b>	<b>REPORTS OF EMPLOYEES</b>	<b>3</b>
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<b>13</b>	<b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING</b>	<b>3</b>
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<b>16</b>	<b>DECLARATION OF CLOSURE OF MEETING</b>	<b>5</b>

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 5:11pm.

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

### Committee Members

Cr Dylan O'Connor (Chairman)	EMRC Member	City of Kalamunda
Cr David McDonnell (Deputy Chairman)	EMRC Member	City of Swan
Cr Jai Wilson (from 5:35pm)	EMRC Member	Town of Bassendean
Cr Sally Palmer	EMRC Member	City of Bayswater
Cr Janet Powell	EMRC Member	City of Belmont
Cr John Daw	EMRC Member	Shire of Mundaring

### Visitor(s)

Ms Prapti Mehta	Consultant
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### EMRC Officers

Mr Marcus Geisler	Chief Executive Officer
Ms Angela Wolstencroft	Manager Human Resources
Ms Theresa Eckstein	Executive Assistant to CEO (Minutes)

## 3 DISCLOSURE OF INTERESTS

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

### 3.1 ANGELA WOLSTENCROFT – MANAGER HUMAN RESOURCES – INTERESTS AFFECTING IMPARTIALITY

Item:	14.1
Subject:	Confidential Item 14.1 - Chief Executive Officer Probationary Review
Nature of Interest:	Disclosure of Interests Affecting Impartiality, EMRC Code of Conduct 2.3. Due to reporting relationship to the CEO

### 3.2 MARCUS GEISLER – CHIEF EXECUTIVE OFFICER – INTERESTS AFFECTING IMPARTIALITY

Item:	14.1
Subject:	Confidential Item 14.1 - Chief Executive Officer Probationary Review
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 MARCUS GEISLER – CHIEF EXECUTIVE OFFICER – FINANCIAL INTEREST

Item:	14.3
Subject:	Confidential Item 14.3 - Chief Executive Officer Probationary Review
Nature of Interest:	Disclosure of Financial Interest, Sections 5.60B, 5.65, 5.70 and 5.71 of the <i>Local Government Act 1995</i> . 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**

Nil

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

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

That the minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 September 2018 which have been distributed, be confirmed.

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

MOVED CR PALMER

SECONDED CR MCDONNELL

THAT THE MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 27 SEPTEMBER 2019 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

**CARRIED UNANIMOUSLY**

### **6.2 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD 1 OCTOBER 2019**

That the minutes of the Chief Executive Officer Performance Review Committee meeting held on 1 October 2019 which have been distributed, be confirmed.

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

MOVED CR MCDONNELL

SECONDED CR PALMER

THAT THE MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 1 OCTOBER 2019 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**

Nil



## **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 item is covered in Section 14 of this agenda.

### 9.1 CHIEF EXECUTIVE OFFICER (CEO) – PROBATIONARY REVIEW

## **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**

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**

The meeting was closed to the public at 5:14pm.

The Chief Executive Officer and the Executive Assistant to the CEO departed the meeting at 5:18pm.



#### **14.1 CHIEF EXECUTIVE OFFICER (CEO) PROBATIONARY REVIEW**

##### **REFERENCE: D2019/14607**

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.

The Chief Executive Officer and the Executive Assistant to the CEO re-entered the meeting room at 5:56pm.

##### **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 5:57pm.



*Item 14.1 continued*

Recording of the recommendations passed behind closed doors, namely:

#### **14.1 CHIEF EXECUTIVE OFFICER (CEO) PROBATIONARY REVIEW**

**REFERENCE: D2019/14607**

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

MOVED CR MCDONNELL

SECONDED CR PALMER

THAT:

1. THE COMMITTEE RECEIVES THE REPORT OF THE CONSULTANT, PRAPTI MEHTA AND ADOPTS THE FINDINGS OF THE CHIEF EXECUTIVE OFFICER PROBATIONARY PERIOD ASSESSMENT.
2. THE COMMITTEE AUTHORISES THE CHAIRMAN OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE TO ADVISE THE CHIEF EXECUTIVE OFFICER OF THE OUTCOME OF THE PROBATIONARY PERIOD ASSESSMENT.
3. THE COMMITTEE RECOMMENDS THAT THE COUNCIL AMENDS THE CEO'S KEY PERFORMANCE INDICATORS AND THEIR ASSOCIATED TIMEFRAMES IN THE TERMS SET OUT IN THE ATTACHMENT.
4. THE COMMITTEE NOTES AND REFERS TO THE COUNCIL THE REQUESTS MADE BY THE CHIEF EXECUTIVE OFFICER IN RELATION TO:
  - A) INCREASING THE TOTAL REMUNERATION VALUE TO THE MAXIMUM OF THE SALARIES AND ALLOWANCES TRIBUNAL BAND 2 CLASSIFICATION LEVEL.
  - B) THE REQUEST FOR A FLEXIBLE WORKING ARRANGEMENT TO BE AGREED AND INCORPORATED INTO THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT AGREEMENT.
5. THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER.

**CARRIED UNANIMOUSLY**

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

The next meeting of the Chief Executive Officer Performance Review Committee will be held on **Thursday, 27 February 2020** at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Belmont WA 6104 commencing at 5:30pm.

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

There being no further business the meeting was closed at 6:00pm.