



MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

TUESDAY, 11 FEBRUARY 2020

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6:30PM ON TUESDAY 11 FEBRUARY 2020.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:33pm. Mr M Tieleman, Chief Executive Officer, read aloud the Disclaimer that is on the front page of these Minutes, Mayor Honourable George Gear read aloud Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr N Pazolli (Deputy Mayor)
Cr S Kepert
Cr D Macphail, Cr N Robins
Cr C Robartson, Cr M Woodall
Cr G Barber, Cr J Barton
Cr K Mair, Cr M Sandford
Cr T Fitzgerald

WARD

Applecross – Mount Pleasant
Applecross – Mount Pleasant
Bateman – Kardinya - Murdoch
Bull Creek - Leeming
Bicton – Attadale – Alfred Cove
Central
Palmyra – Melville - Willagee

3. IN ATTENDANCE

Mr M Tieleman (*until 6:55pm*)
Ms K Johnson
Mr D McAuliffe
Mr J Philips
Ms C Newman

Chief Executive Officer
Executive Manager Organisational Development
Manager People Services
JCP Consulting
Governance Coordinator

At the commencement of the meeting there were no members of the public and no representatives from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Cr K Wheatland Palmyra – Melville - Willagee

4.2 APPROVED LEAVE OF ABSENCE

Nil.

**5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)
AND DECLARATIONS BY MEMBERS****5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN
DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE
BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

**5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ
THE ELECTED MEMBERS BULLETIN.**

Nil.

6. QUESTION TIME

Nil.

7. DEPUTATIONS

Nil.

8. DECLARATIONS OF INTEREST

The Members' and Officers' attention is drawn to the following provisions of the *Local Government Act 1995* regarding disclosures of interest;

8.1 FINANCIAL INTERESTS

M20//5729 – Chief Executive Officer Performance Review - Mr M Tieleman,
Chief Executive Officer, Financial Interest.

8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

9. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.36pm Cr Kepert moved, seconded Cr Robins –

That the applications for a new leaves of absence submitted by Councillor Barber, Councillor Macphail, Councillor Robartson and Councillor Wheatland on 11 February 2020 be granted.

At 6:37pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- M20/5729 – Chief Executive Officer Performance Review

That the meeting be closed to members of the public, if required, to allow for items deemed confidential in accordance with Sections 5.23 (2) (a), (b) and (c) of the *Local Government Act 1995* to be discussed behind closed doors.

Disclosures of Interest

Officer	Mr M Tieleman, Chief Executive Officer
Type of Interest	Financial and Impartial Interests and Interest Under the Code
Nature of Interest	Subject of the Performance Review
Request	Stay and Observe and leave at the request of the Council
Decision	Stay and Observe and leave at the request of the Council

11. REPORTS OF THE GOVERNANCE COMMITTEE

**M20/5729 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)
(CONFIDENTIAL ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Personnel file
Customer Index	: Personnel file
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item M19/5721 – Chief Executive Officer Performance Review, Ordinary Meeting of Council – 19 November 2019 Item M19/5726 – Chief Executive Officer Performance Review Process – Governance Committee – 2 December 2019 Item M20/5728 – Chief Executive Officer Performance Review – Governance Committee - 5 February 2020.
Works Programme	: Not applicable
Funding	: Not applicable
Responsible Officer	: Kylie Johnson Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M20/5729 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Governance Committee has been determined through Council to be the reviewers of the Chief Executive Officer (CEO) performance.
- The Governance Committee met on 5 February 2020 to discuss the CEO performance, future expectations and performance criteria, performance development and review the salary package, for recommendation to the Council.
- A defined process is followed for the CEO performance review, as detailed in this report.

BACKGROUND

On 20 November 2018 Marten Tieleman commenced in the role of Chief Executive Officer (CEO) at the City of Melville.

Clause 7 of the CEO contract details that there needs to be a review of remuneration on an annual basis at a time that is no later than three months after the anniversary of the commencement date.

The CEO Performance Review process was considered at the Special Meeting of Council held 4 November 2019 and the Governance Committee Meeting held 18 November 2019. The review process was confirmed by the Council at the Ordinary Meeting of Council held 19 November 2019.

A Performance Review Consultant, Mr John Phillips from John Phillips Consulting, has been engaged by the City of Melville to facilitate the discussions between the Council and the CEO during the Performance and Remuneration Review process. This has included opportunities for all Elected Members to provide individual feedback with the Consultant.

The Governance Committee met on Wednesday 5 February 2020 to finalise the Chief Executive Officer Performance Review, Personal Development Plan and Salary Recommendation.

DETAIL

The review process endorsed by Council on 19 November 2019 is detailed in attachment: [5729 CEO Performance Review Process](#). As indicated in the process the Governance Committee is to provide feedback on the Performance Review Consultant for the CEO performance review process.

The role of the Performance Review Consultant was to assist in discussions between Elected Members, His Worship the Mayor and the CEO in all aspects of the performance discussion and future performance criteria, performance development plan, as well as the salary package review.

The Performance Review Consultant has provided a summary of Elected Member feedback, for the consideration of the Governance Committee.

The Performance Report from the CEO was provided to Elected Members on 13 December 2019. The CEO Performance Review – Consultant Report is distributed as part of this agenda under confidential cover.

**M20/5729 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)
(CONFIDENTIAL ATTACHMENT)**

The process for the Governance meeting was as follows:

Action	Purpose	CEO Involvement
1. Discussion between Mr John Phillips and Governance Committee relating to the report from the Performance Review Consultant on survey results, and potential changes to performance criteria	Clarify key comments to be delivered to the CEO on behalf of the Elected Members including -past performance – <i>based on matters relating to specified performance criteria within the employment contract</i> -future performance criteria -performance development	CEO not present
2. Remuneration discussion	Review of salary level	CEO not present
3. CEO to provide comment on performance and future priorities	Discussion on the CEO Performance Review – Consultant Report document and CEO to detail his perspective of his and the organisation's performance and future priorities	CEO present
4. Feedback to CEO from Governance Committee on performance	Ensure CEO understands views of Elected Members on performance and priorities, with reference to the CEO Performance Review - Consultant Report.	CEO present
5. Discussion of current performance criteria	To ensure contract performance criteria reflect expected desired outcomes – Governance Committee to discuss with the CEO proposed and agreed criteria for next review period.	CEO present
6. Discussion of performance development plan – review of the comments on professional development opportunities provided by the Consultant	To ensure performance development areas are discussed. It is noted the Mayor is authorised to approve professional development for the CEO, as specified in contract of employment.	CEO present

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

There has been no liaison with any other agencies or Consultants beyond JCP Consulting.

**M20/5729 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)
(CONFIDENTIAL ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

Section 5.38 of the Local Government Act 1995 states the requirement to review a CEO's performance at least once a year in relation to every year of employment.

Section 5.23 (2) of the Local Government Act 1995 states that a meeting by a Council or Committee, or part of a meeting, may be closed to members of the public if a matter affecting an employee is being dealt with.

Section 5.39 (7) of the Local Government Act 1995 requires a report from the Salaries and Allowances Tribunal with a recommendation as to the remuneration to be paid or provided to a CEO to be taken into account by the local government before entering into, or renewing a contract of employment with a CEO.

FINANCIAL IMPLICATIONS

The fee for the Performance Review Consultant has been included in the 2019-2020 operational budget. Any change to the salary package of the CEO will be reflected in the operational budget for 2020-2021.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the performance criteria for the next twelve months are not determined	Low	Defined process that includes this stage.

POLICY IMPLICATIONS

Not applicable

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as the requirements for a performance review are mandatory.

**M20/5729 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)
(CONFIDENTIAL ATTACHMENT)**

CONCLUSION

The purpose of the Governance Committee Meeting was to provide recommendations to the Council in relation to the Performance and Salary Review for the Chief Executive Officer.

Specifically the meeting was to provide feedback opportunities to the Council and Chief Executive Officer on performance over the past twelve months, and clarify expectations, which are to be reflected in the Chief Executive Officer Contract performance criteria as agreed by the Council and the Chief Executive Officer.

The review of current contract performance criteria is an important opportunity for the Council and the Chief Executive Officer to clarify expectations and desired outcomes to be achieved. The current performance criteria may not be reflecting current priorities and should be an important aspect of this review process.

COMMITTEE RECOMMENDATION (5729-1)

APPROVAL

At 6.38pm Cr Fitzgerald moved, seconded Cr Robins –

That the Governance Committee recommends to the Council that the Chief Executive Officer Performance Criteria and Key Performance Indicators to be used in the next CEO performance review period are those detailed in the confidential attachment entitled “Chief Executive Officer Performance Criteria”.

COUNCIL RESOLUTION

At 6:38pm Cr Kepert moved, seconded Cr Barton –

That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with section 5.23(2) (a), (b) and (c) of the Local Government Act 1995, to be discussed behind closed doors.

At 6:38pm the Mayor declared the motion

CARRIED (10/2)

Vote Result Summary	
Yes	10
No	2

Vote Result Detailed	
Cr Barber	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Sandford	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Fitzgerald	No
Cr Robins	No

**M20/5729 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)
(CONFIDENTIAL ATTACHMENT)****COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5729-1) APPROVAL**

At 6:38pm Cr Fitzgerald moved, seconded Cr Robins –

That the Governance Committee recommends to the Council that the Chief Executive Officer Performance Criteria and Key Performance Indicators to be used in the next CEO performance review period are those detailed in the confidential attachment entitled “Chief Executive Officer Performance Criteria”.

At 6:45pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5729-2) APPROVAL

At 6:45pm Cr Woodall moved, seconded Cr Barber –

That the Governance Committee recommends to the Council that the Performance Development Plan detailed in confidential attachment entitled “Chief Executive Officer Performance Development Plan 2019” is approved.

At 6:46pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

COUNCIL RESOLUTION (5729) APPROVAL

At 6:54pm Cr Pazolli moved, seconded Cr Mair –

That the Council commence the process for the review of the Chief Executive Officer Performance, Performance Criteria and Remuneration Review for the period up to 30 June 2020 and then annually on that date thereafter. Any remuneration amendments are to take effect from 20 November of that same year.

At 6:55pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 6:55pm Mr M Tieleman left the meeting and did not return.

**M20/5729 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)
(CONFIDENTIAL ATTACHMENT)**

COMMITTEE RECOMMENDATION (5729-3)

APPROVAL

At 6:56pm Cr Mair moved, seconded Cr Barton –

That the Governance Committee recommends to the Council that the base salary component for the Chief Executive Officer be reviewed as recommended by the Governance Committee and the base salary determination be provided under confidential cover to the Council as an attachment entitled “Salary Recommendation 2019” for approval, to take effect from 20 November 2019.

COUNCIL RESOLUTION

At 7:16pm Cr Kepert moved, seconded Cr Barton–

That the *City of Melville Meeting Procedures Local Law 2017 Clause 9.12 be suspended allowing Elected Members permission to speak more than once.*

At 7:16pm the Mayor declared the motion

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Barber	Yes
Cr Barton	Yes
Cr Fitzgerald	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Sandford	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Robartson	No
Cr Robins	No
Cr Macphail	No
Cr Mair	No

COUNCIL RESOLUTION

At 7:19pm Cr Kepert moved, seconded Cr Barton –

That that *City of Melville Meeting Procedures Local Law 2017 Clause 9.12 be reinstated.*

At 7:19pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

**M20/5729 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)
(CONFIDENTIAL ATTACHMENT)**

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5729-3) APPROVAL

At 6:56pm Cr Mair moved, seconded Cr Barton –

That the Governance Committee recommends to the Council that the base salary component for the Chief Executive Officer be reviewed as recommended by the Governance Committee and the base salary determination be provided under confidential cover to the Council as an attachment entitled “Salary Recommendation 2019” for approval, to take effect from 20 November 2019.

At 7:19pm the Mayor declared the motion

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Barton	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barber	No
Cr Fitzgerald	No
Cr Kepert	No
Cr Sandford	No

COUNCIL RESOLUTION

At 7:20pm Cr Woodall moved, seconded Cr Barber -

That the meeting comes out from behind closed doors.

At 7:20pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

No members of the public entered the meeting.

12. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 7:20pm.