

Agenda

SPECIAL COUNCIL MEETING (SC 03/23)

29 June 2023
Commenced at 6.05pm

Online
and at
2/317 Churchill Avenue, Subiaco

Dear Councillors

I advise that a Special Council Meeting of the Western Metropolitan Regional Council will be held online and at the WMRC Offices 2/317 Churchill Ave Subiaco on **29 June 2023** commencing at **6pm**

Cr Paul Macfarlane

Chairman

28 June 2023

Note for members of the public: Council Meetings – Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an Ordinary Council Meeting under “public question time” or prior to the meeting [online through this link](#).
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting.
4. All other arrangements are in accordance with the Council’s Meeting Procedures Local Law, policies and decisions of the organisation.

Cr Paul Macfarlane

Chairman

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1. DECLARATION OF OPENING

Meeting opened: 6.05pm

WMRC CEO, Stefan Frodsham, left the meeting at 6.06pm.

2. RECORD OF ATTENDANCE AND APOLOGIES

Councillors

Cr. P MacFarlane	Chair	Town of Cottesloe
Cr. S Stroud	Deputy Chair	City of Subiaco
Cr. P Kelly	Member	Town of Claremont
Cr. P Macintosh	Member	Shire of Peppermint Grove

Staff

S Frodsham	Chief Executive Officer	WMRC
A Bell	Manager Finance & Governance	WMRC

Leave of Absence

Nil

Visitors

Nil

Observers

Nil

Apology

Cr. A Maurice	Member	Town of Mosman Park
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3. DISCLOSURES OF INTERESTS

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS, APPROVED DEPUTATIONS AND PUBLIC STATEMENTS

Nil

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Moved: Cr Macintosh Seconded: Cr Stroud

Confidential Item 15.1 to be heard out of sequence

That in accordance with Sections 5.23(2) of the Local Government Act 1995, the meeting is closed to members of the public with the following aspect of the Act being applicable to this matter: 15.1 (a), (b), (c)

CARRIED 4/0

The meeting proceeded behind closed doors at 6:07pm

Moved: Cr Stroud Seconded Cr. Mackintosh

That the meeting resume in open session

WMRC CEO, Stefan Frodsham, re-joined the meeting at 6.33pm

The Chair read aloud the resolutions which were made behind closed doors:

15.1.1 Authorise the Chairperson to respond to the letter dated 31 January 2023.

15.1.2 Endorse an extension to the CEO's employment contract for a 3-year term from 24 August 2023 to 23 August 2026

15.1.3 Authorise Cr Peter Macintosh to draft the CEO employment contract, including a provision for 22 days annual leave, in consultation with the CEO.

CARRIED 4/0

9. REPORTS OF COMMITTEES AND OFFICERS

9.1 APPOINTMENT OF CONSULTANT TO CONDUCT CEO PERFORMANCE REVIEW

Responsible Officer:

Report Author: **Manager Finance & Governance**

Date: **20 June 2023**

Attachment:

PURPOSE

To consider appointing a Human Resources Consultant to assist Council in conducting the Chief Executive Officer's (CEO's) annual performance review.

BACKGROUND

The CEO's Annual Performance review process is to include:

- preparing a consultancy brief to engage a consultant to assist in conducting the review.
- assessing submissions received.
- making a recommendation to Council to appoint a consultant.
- liaising with the consultant on Council's behalf.
- Implementing council resolutions resulting from the CEO performance review.

DETAIL AND OPTIONS ANALYSIS

Dr Shayne Silcox conducted the CEOs performance review for the 21/22 financial year. Both Council and the CEO were happy with the service provided by Dr Silcox.

The quote provided by Dr Silcox is \$4,600 plus GST. In accordance with the WMRC Council Policy – Purchasing, one quote is required for expenditure under \$5,000.

RISK MANAGEMENT

Risk is minimised by requiring a qualified HR Consultant to conduct the review.

COMMUNICATION AND CONSULTATION

Nil

REPORT IMPLICATIONS

Legislation and Policy Alignment

Clause 16 of the WMRC Standards for CEO Recruitment, Performance and Termination Policy relates to the performance review process:

16. Performance review process to be agreed between local government and CEO

(1) *The local government and the CEO must agree on —*

(a) the process by which the CEO's performance will be reviewed; and

(b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*

(3) *The matters referred to in subclause (1) must be set out in a written document.*

Business and Strategic Alignment

The review of the CEO's performance is an important opportunity for Council to evaluate the CEO and the WMRC's performance against Council priorities and Corporate Plans and to engage in constructive dialogue with the CEO about his past performance, future direction and to conduct the Council's aspirations and expectations.

Financial and Resource Implications

A budget provision for the CEO's performance review forms part of the 22/23 Annual Budget. The cost will be accrued as the invoice will not be received until the new financial year. The cost should be recognised in the same period that the CEO's performance review covers.

COMMENTS

For the record and for the avoidance of doubt, the CEO advises that he has no relationship or past professional association whatsoever with Dr Shayne Silcox with the exception of his 2022 performance review.

VOTING REQUIREMENT

Simple Majority

Mover: Cr Macintosh Seconder: Cr Kelly

RESPONSIBLE OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

That Council

9.1.1 appoints Dr Shayne Silcox of Strategic Leadership Consulting to conduct the Chief Executive Officer's Performance Review as outlined in this report and in its confidential response to the WMRCs Request for Quotation; and

9.1.2 informs the CEO that the CEO Performance Review and process will commence at a time mutually agreed by Council, the CEO and Dr Shayne Silcox.

CARRIED 4/0

- 10. INFORMATION BULLETINS**
 - 11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
 - 12 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
 - 13 MEMBERS' QUESTIONS WITHOUT NOTICE**
 - 14 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**
 - 15 MATTERS BEHIND CLOSED DOORS**
- The following item was considered behind closed doors:
- 15.1 CEO EMPLOYMENT CONTRACT**
- 16 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**
 - 17 GENERAL BUSINESS**
 - 18 CLOSURE OF MEETING**

Meeting closed at 6.45pm