 <p>Adelaide Plains Council</p>	4. CONFIDENTIAL ITEMS
14 May 2018	


4.1 Chief Executive Officer – Performance Review

4.1 Chief Executive Officer Performance Review Process

RECOMMENDATION

“that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, be excluded from attendance at the meeting of the Council for Agenda Item 4.1 – *Chief Executive Officer – Performance Review*;
2. Council is satisfied that pursuant to section 90(3)(d) of the *Local Government Act 1999*, Item 4.1 – *Chief Executive Officer – Performance Review* concerns commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and on balance it would be contrary to the public interest.
3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

 Adelaide Plains Council	4.1	Chief Executive Officer – Performance Review
	Department: Report Author:	Governance and Communications General Manager – Governance & Communications
Date: 14 May 2018	Document Ref:	D18/19499

EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider the proposal from external consultancy firm, *McArthur* (**Attachment 1**) to undertake the Chief Executive Officer annual review, in accordance with the Chief Executive Officer’s contract of employment with Council.
- The appointment of *McArthur* can be for either a once-off annual review or a commitment to have the review completed for the next three (3) calendar years.
- It is recommended that Council secure the appointment for the ensuing three (3) year period in order for the Chief Executive Officer’s performance review to be undertaken diligently and on time, in accordance with the contract of employment.

RECOMMENDATION 1

“that Council, having considered Item 4.1 – *Chief Executive Officer – Performance Review*, dated 14 May 2018, receives and notes the report and in doing so appoints *McArthur* for a three (3) year term from 2018 through to and including 2020 for the purposes of conducting the annual performance review of the Chief Executive Officer for a total cost of \$11,100 over three (3) years.”

BUDGET IMPACT

Estimated Cost:	\$ 11,100
Future ongoing operating costs:	\$ Nil
Is this Budgeted?	No

RISK ASSESSMENT

Council’s failure to appoint an external consultancy firm to undertake the annual review of the Chief Executive Officer’s performance, places Council at risk of failing to adhere to the terms contained within the contract of employment agreement between Council and the Chief Executive Officer.

References

Legislation

Local Government Act 1999 (SA)

Council Policies/Plans

Nil

Attachments

1. Proposal – to provide Chief Executive Officer Review (*McArthur*)

DETAILED REPORT

Background/History

Council engaged the services of Chief Executive Officer (CEO), Mr James Miller on 4 May 2016.

Council's previous practice involved its 'CEO Review Committee' (established under Section 41 of the *Local Government Act 1999*) being responsible for the engagement and undertaking of process surrounding the CEO's employment and performance, including the formal review process.

The membership of the 'CEO Review Committee' consisted of the full Council. In light of this, Council resolved to dissolve the 'CEO Review Committee' through its Committee review process..

It is the role of Elected Members to determine, in conjunction with the CEO, Key Performance Measures (KPM) for the CEO and review the CEO's performance against the agreed KPMs. McArthur were engaged by Council in 2017 to conduct the CEO's performance review and assist with the setting of KPMs.

Discussion

Human Resource performance management practices encourage that an external facilitator be chosen jointly by the CEO and Council to administer the development, review and monitoring of the relationship expressed in the CEO's terms of employment.

Conclusion

Council is to consider the proposal (Attachment 1) and subsequently, the engagement of McArthur for a once off fee of \$4,800 to conduct the review for 2018, or a reduced fee of \$3,700 per review for a three (3) year period. It is therefore recommended that Council engage McArthur for the following three (3) year period.

RECOMMENDATION

“that Council, having considered the matter of Agenda Item 4.1 – *Chief Executive Officer – Performance Review* in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves:-

- 1. That the staff report pertaining to Item 4.1 – *Chief Executive Officer – Performance Review*, all annexures, any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of Council;**
- 2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months;**
- 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”**