
 <p>Adelaide Plains Council</p>	<p>21.2 Confidential Item</p>
<p>24 May 2021</p>	

21.2 Appoint Consultant – Chief Executive Officer Performance Review 2021-2023

RECOMMENDATION

“that:

- 1. Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer, Acting General Manager – Governance and Executive Office, General Manager – Development and Community, General Manager – Infrastructure and Environment, General Manager – Finance and Business, Administration and Executive Support Officer/Minute Taker, Information Technology Support Officer and Ms Rebecca Hunt, Divisional Manager Recruitment and Human Resource Consulting – McArthur, be excluded from attendance at the meeting of Council for Agenda Item 21.2 – *Appoint Consultant – Chief Executive Officer Performance Review 2021-2023*;**
- 2. Council is satisfied that pursuant to section 90(3)(d) of the Local Government Act 1999, Item 21.2 – *Appoint Consultant – Chief Executive Officer Performance Review 2021-2023* concerns commercial information of a confidential nature, being information relating to a ‘Commercial in Confidence’ proposal for the provision of services, 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 would, on balance, 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	21.2	Appoint Consultant – Chief Executive Officer Performance Review 2021-2023
	Department: Report Author:	Governance and Executive Office Acting General Manager – Governance & Executive Office
Date: 24 May 2021	Document Ref:	D21/21015

EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider a proposal from consultant firm, McArthur (**Attachment 1**) to undertake the Chief Executive Officer (CEO) annual performance review, in accordance with the CEO’s contract of employment with Council.
- In May 2018, Council appointed McArthur to undertake the CEO annual performance review for a three year term from 2018 through to and including 2020.
- On 11 May 2021, McArthur provided a proposal to Mayor Wasley and this report has been prepared at his request. The proposal provides two options – a once-off annual review in 2021 or a three year term from 2021 through to and including 2023.
- It is now timely that Council consider, and reappoint, McArthur to undertake the upcoming CEO annual review/s in order to ensure that the CEO’s performance review is undertaken diligently and on time in accordance with the contract of employment.
- It is recommended that Council appoint McArthur for the three year period 2021 through to and including 2023. This option provides better value for money and also ensures that an appropriate consultant is appointed either side of the November 2022 general election.

RECOMMENDATION

“that Council, having considered Item 21.2 – *Appoint Consultant – Chief Executive Officer Performance Review 2021-2023*, dated 24 May 2021, receives and notes the report and in doing so appoints McArthur for a three (3) year term from 2021 through to and including 2023 to facilitate the annual performance review of Council’s Chief Executive Officer in accordance with the proposal presented as Attachment 1 to this report.”

BUDGET IMPACT

Estimated Cost:	\$9,750 (\$3,250 per year)
Future ongoing operating costs:	Nil
Is this Budgeted?	Yes

RISK ASSESSMENT

The Chief Executive Officer's employment contract provides that the CEO will undergo a performance review each year, the performance review shall be conducted by the Council by way of Special Council Meetings and an independent, external advisor appointed by the Council must form part of the performance review. It is therefore timely, and necessary, for Council to appoint a consultant in order to ensure that the Chief Executive Officer's performance review is undertaken diligently and on time in accordance with the contract of employment and indeed that the parties do not risk breaching the employment contract.

Attachments

1. McArthur Proposal dated 11 May 2021.

DETAILED REPORT

Purpose

The purpose of this report is for Council to consider a proposal from consultant firm, McArthur (**Attachment 1**) to undertake the Chief Executive Officer (CEO) annual performance review, in accordance with the CEO's contract of employment with Council.

Background/History

The Chief Executive Officer's employment contract provides that the CEO will undergo a performance review each year, the performance review shall be conducted by the Council by way of Special Council Meetings and an independent, external advisor appointed by the Council must form part of the performance review.

Council first engaged McArthur in 2017 to facilitate the CEO's performance review, including the setting of Key Performance Indicators (KPIs). Then, in May 2018, Council appointed McArthur to undertake the CEO annual performance review for a three year term from 2018 through to and including 2020:

4.1 Chief Executive Officer – Performance Review

Moved Councillor Lawrence

Seconded Councillor McColl

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“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.”

CARRIED

Discussion

On 11 May 2021, McArthur provided a proposal to Mayor Wasley and this report has been prepared at his request. It is timely, and necessary, for Council to appoint a consultant in order to ensure that the CEO's performance review is undertaken diligently and on time in accordance with the contract of employment and indeed that the parties do not risk breaching the employment contract.

McArthur's proposal provides for a once-off annual review or a three year term (from 2021 through to and including 2023). Ms Rebecca Hunt, Divisional Manager Recruitment and Human Resource Consulting, McArthur, will be available to join the meeting via Zoom to answer any questions in relation to McArthur's proposal and the performance review process, generally.

Conclusion

It is recommended that Council appoint McArthur for the three year period 2021 through to and including 2023. This option provides better value for money and also ensures that an appropriate consultant is appointed either side of the November 2022 general election.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Chief Executive Officer Employment Contract

Procurement Policy

RECOMMENDATION

“that Council, having considered the matter of Item 21.2 – *Appoint Consultant – Chief Executive Officer Performance Review 2021-2023* in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that:

- 1. The report and Attachment 1 pertaining to Item 21.2 – *Appoint Consultant – Chief Executive Officer Performance Review 2021-2023* remain confidential and not available for public inspection until further order of the 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; and**
- 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Committee delegates the power to revoke this confidentiality order to the Chief Executive Officer.”**