



Item No: 4.2

Date: 5 September 2022

Attachment: Nil

Meeting: Council

Title: Appointment of Interim CEO Performance Review Committee Consultant

Responsible Manager: Mayor, Elizabeth Fricker

Author: Acting Chief Executive Officer, Scott Reardon

Key Pillar: Financial Guiding Principle 1- Finances managed responsibly

Key Focus Area: Strategic Community Plan Focus area 3 - Transparent and accountable local tier of Government

Type of Report: Decision Required

Recommendation (Public)

Pursuant to s.90(3)(b)

Pursuant to section 90(2) of the *Local Government Act 1999 (Act)* the Council orders that all members of the public, except the Council Secretariat, Danielle Edwards, be excluded from attendance at the meeting for Agenda Item 4.2 Appointment of Interim CEO Performance Review Committee Consultant.

The Council is satisfied that pursuant to section 90(3)(b) of the Act, the information to be received, discussed and considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business.

Recommendation (Confidential)

The Council, appoint Richard Altman Consulting for an 12 month contract, commencing 1 July 2022 and concluding 30 June 2023, to both assist and provide guidance to the 2022 incoming Council and subsequently appointed CEO Performance Review Committee to conduct the CEO or Acting CEO Performance Review for 2022-23 financial year, as and where required.

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 4.2 Appointment of Interim CEO Performance Review Committee Consultant in confidence under section 90(2), 90(3)(b) of the Act, the Council, pursuant to section 91(7) of that Act orders that the report and minutes relevant to this Agenda Item be retained in confidence until the conclusion of the contractual obligations or for a period of two years, whichever is the greater, and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the review and power to revoke this Order

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* and re-admit the public.

Summary

In August 2020 Richard Altman Consulting was appointed as the independent consultant to the CEO Performance Review Committee (**Committee**) for a contract term of two years. This contract expired on 30 June 2022.

On the basis that there is currently no independent consultant engaged to assist and guide the Committee, and that the forthcoming 2022 Local Government General Election may result in the appointment of a number of new Councillors, it is recommended that Council endorse the recommendations of this report so as to ensure not only a seamless transition during the election period, but to also ensure the Committee remains supported by an independent consultant for the 2022-23 financial year.

The CEO Performance Review Committee considered this matter at their meeting of 18 August 2022, where they resolved to recommend to Council the appointment of Richard Altman Consulting per the recommendation of this report.

Background

At their meeting of 8 October 2020, the CEO Performance Review Committee resolved in confidence:¹

CEO20/20-21

The CEO Performance Review Committee recommends to Council that Richard Altman Consulting be appointed to assist the Committee conduct the CEO Performance Review for the 2020/ 2021 and 2021/ 2022 financial years.

At their Ordinary Meeting of 19 October 2020, Council resolved in confidence:²

CNC177/20-21

That Richard Altman Consulting be appointed to assist the CEO Performance Review Committee to conduct the CEO Performance Review for the 2020/2021 and 2021/2022 financial years.

At their Special Meeting on 18 August 2022, the CEO Performance Review Committee resolved in confidence to recommend to Council:³

CEO02/22-23

The CEO Performance Review Committee recommends to Council that due to his experience:

Richard Altman Consulting be appointed for an additional 12 month contract, commencing 1 July 2022 and ceasing 30 June 2023, to both assist and provide guidance to the 2022 incoming Council and subsequently appointed CEO Performance Review Committee to conduct the CEO or Acting CEO Performance Review for 2022-23 financial year, as and where required.

Discussion/Issues for Consideration

Following the completion of a competitive Tender, in October 2020 Richard Altman Consulting was appointed as the independent consultant to the CEO Performance Review Committee (**Committee**) for a contract term of two years. This contract expired on 30 June 2022.

¹ CEO20/20-21 is retained in confidence until 8 October 2022.

² CNC177/20-21 is retained in confidence until 19 October 2022.

³ CEO02/22-23 is retained in confidence until 18 August 2024.

On the basis that there is currently no independent consultant engaged to assist and guide the Committee, the looming Caretaker period commencing 6 September 2022 which restricts Council's ability to make determinations regarding the CEO, and the forthcoming 2022 Local Government General Election which may result in the appointment of a number of new Councillors, it is recommended that Council endorse the recommendations of this report so as to ensure not only a seamless transition during the election cross over period, but also to ensure the Committee is supported by an independent consultant until such time in 2023 that a formal tender process can be undertaken to appoint a an independent consultant for a longer fixed-term contract.

Options for Consideration

Option1

The Council, appoint Richard Altman Consulting for an 12 month contract, commencing 1 July 2022 and concluding 30 June 2023, to both assist and provide guidance to the 2022 incoming Council and subsequently appointed CEO Performance Review Committee to conduct the CEO or Acting CEO Performance Review for 2022-23 financial year, as and where required.

Option 2

That Council direct Administration to undertake the following alternate action(s):

- _____

Analysis of Options

Given the number of years that Richard Altman Consulting had been undertaking CEO Performance Reviews for the Town of Walkerville there exists a degree of familiarity between the consultant and Council. Therefore it is suggested that Mr Richard Altman has the necessary skills and qualities to continue to assist Council throughout the 2022-23 financial years, in the lead up to a formal Tender process being undertaken in 2023.

Financial Implications

The financial impact of Option 1 will total approximately \$8,000, which has already been factored into the 2022-23 budget.

Community Implications

The consultant will be required to engage with external stakeholders and members of the community who have interacted with the CEO as and where required.

Governance Implications

In accordance with the requirements of the Committee's Terms of Reference, this matter was considered by the CEO Performance Review Committee at their meeting on 18 August 2022; which was supported.

In accordance Council's Procurement Policy, direct sourcing is permitted based on the fee-for-service amount.

Preferred Option & Reasoning

Option 1 is the preferred option and is the option recommended by the CEO Performance Review Committee.