



Item No: 19.2

Date: 20 September 2021

Attachment: A, B

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| Meeting: | Council |
| Title: | CEO 2020/21 Performance Review Report |
| Responsible Manager: | Mayor, Elizabeth Fricker |
| Author: | Council Secretariat, Danielle Edwards |
| Key Pillar: | Strategic Framework – Key Pillar 7 – Leadership – A responsible and influential local government organisation |
| Type of Report: | Decision Required |

Recommendation (Public)

Pursuant to s90(3)(a)

Pursuant to section 90(2) of the *Local Government Act 1999* 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 19.2 CEO 2020/21 Performance Review Report.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Kiki Cristol, Chief Executive Officer, Corporation of the Town of Walkerville.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter relates to details of the Chief Executive Officer's performance and remuneration.

Recommendation (Confidential)

1. That Council receives and notes the CEO 2020/21 Performance Review Report and recommendations contained in the report (Attachment A).
2. That Council receives and notes the minutes of the meeting of the CEO Performance Review Committee convened on 23 August 2021 (Attachment B).
3. That Council endorse the recommendation from the CEO Performance Review Committee that the remuneration of the CEO be increased by 3.0%, with the increase to commence on 1 July 2021.
4. That Council endorse the recommendation from the CEO Performance Review Committee that contract negotiations commence with the CEO and that the new contract be for a period of four years commencing 1 January 2022.

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 19.1 CEO 2020/21 Performance Review Report in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes relevant to this Agenda Item be retained in confidence until the Performance Review process has been completed and that the report marked as Attachment A be retained in confidence for a period of 3 years 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* Council and re-admit the public.

Summary

The CEO Performance Review Committee resolved that the CEO performance review be conducted for the period from 1 July 2020 to 30 June 2021, and that the process used in earlier reviews be continued seeking feedback from all Elected Members, various staff, and external stakeholders. The Committee received the report at its meeting on Monday 23 August 2021 and reviewed the content in order to make a recommendation to Council that the report be accepted.

The report also included a review of current remuneration requirements that the CEO Performance Review Committee considered and formulated a recommendation for Council.

The CEO Performance Review Committee noted that the CEO's Contract is to expire on 30 June 2022.

The CEO's Employment Agreement requires that the Employer must notify the CEO following the completion of the final performance review prior to the expiry of this Agreement, or at least six (6) months from the Expiry Date of the Agreement whichever is the greater, whether or not a new employment agreement is to be offered to the CEO. The current Agreement expires 30 June 2022, so Council must decide this matter as soon as practicable. The Committee discussed the Agreement and formulated a recommendation for Council.

Background

The Employment Agreement for the CEO sets out the requirement to undertake an annual performance review. The Committee established a set of Key Performance Indicators (KPI's) in September 2020. The review provides feedback against the KPI's set and agreed by the Committee for the period from 1 July 2020 to 30 June 2021. The performance review process also includes the requirement to seek feedback regarding the CEO's performance against the Key Result Areas included in the CEO's position description, providing a rating as set out in the Employment Agreement.

The minutes of the Committee meeting held on 23 August 2021 appear as Attachment B to this report for Members' information.

Items discussed at this meeting are as follows:

| Item Number | Report | Resolution Number |
|-------------|----------------------------------|-------------------|
| 2 | Confirmation of Previous Minutes | CEO04/21-22 |

| Item Number | Report | Resolution Number |
|-------------|--|---------------------------------|
| 5.1 | CEO 2020/21 Performance Review Report (Confidential) | CEO05/21-22 - CEO08/21-22 |

Discussion/Issues for Consideration

The Employment Agreement also requires CEO Performance Review Committee to undertake a remuneration review for the CEO within one month of the completion of the performance review. The performance review report completed in August 2021 contains data and information the CEO Performance Review Committee can consider in developing a recommendation to put to Council.

Clause 9 of the Chief Executive Officer's Employment Contract sets out the process and timing for conducting the annual review of the CEO's remuneration. Specifically, it sets out that any increase in remuneration is to be effective from 1 July of each year (clause 9.3).

Attachments

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| Attachment A | CEO 2020/21 Performance Review Report |
| Attachment B | CEO Performance Review Committee Minutes 23 August 2021 |