



Item No: 19.1
 File No: 12.14.1.4
 Date: 21 September 2020
 Attachment: A, B

Meeting: Council

Title: CEO 2019 / 2020 Performance Review Report

Responsible Manager: Mayor, Elizabeth Fricker

Author: Council Secretariat, Vanessa Davidson

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, Vanessa Davidson be excluded from attendance at the meeting for Agenda Item 19.1 CEO 2019 / 2020 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 correspondence from Kiki Cristol, CEO of the Town of Walkerville appearing as Attachment A to this report.
2. That the CEO 2019 / 2020 Performance Review Report and recommendations contained in the report (Attachment B) be received and noted by the Council.
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 with the increase to be deferred from 1 July 2020 to 1 January 2021 in accordance with the request from the Chief Executive Officer as detailed at Attachment A to this report.

Recommendation (Public)

Pursuant to s.91(7)

1. That having considered Agenda Item 19.1 CEO 2019 / 2020 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, attachment 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 B be retained in confidence for a period of 3 years.

2. 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

3. 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 2019 to 30 June 2020, and that the process used in earlier reviews be continued seeking feedback from all Elected Members, staff, and external stakeholders. The Committee received the report at its meeting on Monday 31 August 2020 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 reviewed the information provided 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 2019. The review provides feedback against the KPI's set and agreed by the Committee for the period from 1 July 2019 to 30 June 2020. 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.

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 is to be completed before the end of August each year. The performance review report completed in August 2020 contains data and information the CEO Performance Review Committee considered 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).

On 27 August 2020 the Chief Executive Officer wrote to the members of the CEO's Performance Review Committee (Attachment A) requesting that given the current pandemic climate that any remuneration increase be deferred from 1 July 2020 to 1 January 2020. This is in line with the decision of the CEO to defer any staff pay increases until this date due to the impact of the COVID-19 on the Council's financial position. A copy of this correspondence appears as Attachment A to this report.

In considering the amount of remuneration to paid to the Chief Executive Officer, Council should consider the request of the Chief Executive Officer

Attachments

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| Attachment A | Correspondence From the CEO to the CEO's Performance Review Committee |
| Attachment B | CEO 2019/ 2020 Performance Review Report |

RELEASED

Vanessa Davidson

From: Kiki Cristol
Sent: Thursday, 27 August 2020 12:47 PM
To: Elizabeth Fricker; MaryLou Bishop; Jennifer Joshi; James Williams
Cc: Elected Members; Richard Altman [REDACTED] Vanessa Davidson; Kiki Cristol
Subject: CEO annual performance & salary review

Dear Mayor and Members of the CEO Performance Review Committee,

I understand that the CEO Performance Review Committee are currently finalising my annual performance and remuneration review. As you may be aware, clause 9 of my Employment Contract sets out the process and timing for conducting the annual review of my remuneration. Specifically, it sets out that any increase in my remuneration is to be effective from 1 July of each year (clause 9.3).

Clause 9.5 further sets out that I "*shall not be entitled as a right to an annual increase of the TEC Package other than in accordance with any increase of the Consumer Price Index*". Clause 9.4.2 sets out that the CPI movement will be the annual increase in the CPI for Adelaide at the March quarter.

During the 2020/21 budget deliberations, we needed to find substantial savings, given the current pandemic climate and hence I made a decision to place a defer all staff pay increases from 1 July 2020 to 1 January 2021. At the time, I advised Council that such a moratorium was an 'all-in decision', that is, equally applying to me as CEO.

Having considered the requirements of my Employment Contract and the circumstances facing us as an organisation and our community, I would agree to a deviation to clause 9 for this year alone and would ask that the Committee consider deferring any annual increase in my remuneration until 1 January 2021.

I am available to discuss this further if required.

Kind regards,

Kiki Cristol
Chief Executive Officer

TOWN OF



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