



City of **Perth**

Minutes

Special Council Meeting

14 June 2022

Approved for release

Michelle Reynolds

Chief Executive Officer

16 June 2022

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature _____

Date _____

Information

This information is provided on matters which may affect members of the public. If you have any queries on procedural matters, please contact a member of the City's Governance team via governance@cityofperth.wa.gov.au.

Question Time for the Public

An opportunity is available at Special Council Meetings for members of the public to ask questions specific to items on the agenda. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible to allow the City time to prepare a response.

The Presiding Person may nominate a member of staff to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion can take place on any question or answer.

To ask a question, please complete the Public Question Time form available on the City's website www.perth.wa.gov.au/council/council-meetings.

Disclaimer

Members of the public should note that in any discussion during a meeting regarding any item, a statement or indication of approval by any council member, committee member or officer of the City is not intended to be, and should not be taken as, notice of approval from the City. No action should be taken on any item discussed at a meeting of a Committee prior to written advice on the Committee or Council's resolution being received.

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1. Declaration of Opening

The Presiding Member declared the Special Council Meeting for the City of Perth open at 5.00pm.

2. Acknowledgement of Country/Prayer

The Presiding Member gave an Acknowledgement of Country:

I respectfully acknowledge the Traditional Owners of the land on which we meet, the Whadjuk Nyoongar people of Western Australia, and pay my respects to Elders past and present. It is a privilege to be standing on Whadjuk Nyoongar country.

The Chief Executive Officer recited a prayer:

Almighty God, under whose providence we hold responsibility for this City grant us wisdom to understand its present needs, foresight to anticipate its future growth, and grace to serve our fellow citizens with integrity and selfless devotion. And to Thee, be all blessing and glory forever. Amen.

3. Attendance

Members in Attendance

Lord Mayor

Councillors

Basil Zempilas (Presiding Member)

Sandy Anghie

Clyde Bevan

Brent Fleeton

Liam Gobbert

Rebecca Gordon

Catherine Lezer

Officers in Attendance

Chief Executive Officer

General Manager Community Development

General Manager Commercial Services

Acting General Manager Corporate Services

Acting General Manager Infrastructure and Operations

Acting Alliance Manager Governance

Governance Consultant

Governance Officer

Michelle Reynolds

Kylie Johnson

Steve Holden

Michael Kent

Nathan Ahern

Mieke Wevers

Chris Liversage

Kait Hedley

Public Gallery

There were no members of the public or media in the gallery.

3.1 Apologies

Deputy Lord Mayor Di Bain

Councillor Viktor Ko

3.2 Leave of Absence

Nil.

4. Public Participation

4.1 Public Questions

Nil.

5. Disclosures of Interests

Name	Councillor Rebecca Gordon
Item number and title	6.2 Engagement of an Independent Consultant to undertake the CEO's Performance Review
Nature of interest	Impartiality
Interest description	<i>'Dr Shayne Silcox was the CEO at the City of Melville during my time as an Elected Member'.</i>

6. Reports

6.1 Keys to the City Nomination

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 6.1A – Nomination

Purpose

To consider awarding Keys to the City in accordance with Council Policy 4.6 Honorary Awards.

Recommendation

That Council CONFERS Keys to the City to Samantha Kerr.

Background

1. Council Policy 4.6 (the Policy) establishes honorary awards conferrable by Council and the process for bestowing those honorary awards.
2. One such type of honorary award established by the Policy is Keys to the City.
3. On 8 June 2022, the Lord Mayor wrote to the Chief Executive Officer, nominating Samantha Kerr to be awarded Keys to the City (see Attachment 6.1A).

Discussion

4. The Policy states the following:

Keys to the City

9. *Conferral of the honour of Keys to the City of Perth is a high honour, though it conveys no legal rights.*
 10. *The following criteria are to be assessed in determining if to award Keys to the City of Perth:*
 - a. *a high level of achievement and service in their chosen field; and*
 - b. *a significant and meritorious contribution to the City of Perth, Western Australia, Australian or world affairs.*
 11. *The honour of Keys to the City will be conferred through presentation of commemorative keys.*
5. Furthermore, the Policy states the following regarding the process for conferral:
 2. *Nominations for an honorary award are to be submitted by Council members to the CEO for assessment and recommendation to Council.*
 3. *The conferral or revocation of any of these awards must be by resolution of Council.*
 4. *Before the conferral of any honorary award, the consent of the nominee must be obtained.*
 5. *The conferral of an honorary award will be made by the Lord Mayor at an appropriate time and place.*
 6. The CEO has assessed the nomination received from the Lord Mayor and recommends conferral of Keys to the City to Samantha Kerr, whose consent has been obtained.

Stakeholder Engagement

Nil.

Decision Implications

7. If Council agree to confer the keys, a public event will be held to facilitate the honour of the keys. It is anticipated the event will be held on Friday 8 July 2022 in Forrest Place. Should inclement weather be forecast, the event may alternatively be held at the Town Hall.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Nil.
Authority of Council/CEO:	Council Policy 4.6 Honorary Awards stipulates that the conferral of Honorary Awards is to be by resolution of Council.
Policy:	Council Policy 4.6 Honorary Awards

Financial Implications

8. The financial implications of the recommendation is accommodated within existing budget. Costs are estimated to be approximately \$15,000 for the award ceremony.

Further Information

Nil.

Council Resolution (SCM-22/06-001)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Clyde Bevan

That Council CONFERS Keys to the City to Samantha Kerr.

CARRIED UNOPPOSED (7/0)

For: Lord Mayor Basil Zempilas; Councillors Sandy Anghie, Clyde Bevan, Brent Fleeton, Liam Gobbert, Rebecca Gordon, and Catherine Lezer

Against: Nil



City of Perth

The Rt Hon. the Lord Mayor Basil Zempilas
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Michelle Reynolds
CEO City of Perth
Council House
27 St Georges Terrace
PERTH WA 6000

Dear Michelle

Keys to the City Nomination – Samantha Kerr

I would like to submit a nomination for West Australian football superstar Sam Kerr to be a recipient of the honorary award of Keys to the City of Perth.

The Keys to the City is not an award that is bestowed lightly or regularly, with the last granting of Keys to the City taking place nearly eight years ago in 2014.

I am spoken with the Elected Members and received an enthusiastic endorsement for a submission to nominate Sam Kerr.

Sam Kerr is arguably Western Australia's most popular and successful overseas sporting star, across any sport, at the moment.

She has won multiple individual and team awards in the past five years and is acknowledged by many as the most popular and best female footballer in the world. Her most recent achievements were the Women's Footballer of the Year in England and scoring the winning goal in the Women's FA Cup Final for her club side Chelsea.

She is the Australian Matildas current captain, the country's all-time leading scorer - male or female - and this year was awarded the Medal of the Order of Australia for services to football.

If this nomination is accepted, Kerr will become the first West Australian-born female recipient of the City of Perth Keys to the City.

Further, I have spoken to Sam's parents and they told me they believed she would be thrilled and honoured if the Keys to the City were presented to her.

If this submission to nominate meets your approval, please submit a detailed assessment to Council via an Ordinary Council Meeting.

Yours sincerely

BASIL ZEMPILAS
(THE RIGHT HONOURABLE THE LORD MAYOR

6.2 Engagement of an Independent Consultant to undertake the CEO's Performance Review

Responsible Officer	Karen Callaghan – Executive Director Governance and Strategy
Voting Requirements	Simple Majority
Attachments	Attachment 6.2A – CEO Performance Review Process - 2021/22 Confidential Attachment 6.2B – Strategic Leadership Consulting Quote

Purpose

To engage an independent consultant to undertake the CEO's annual performance review for 2021/22 and draft key performance indicators for 2022/23.

Recommendation

That Council SUPPORTS the engagement of Strategic Leadership Consulting to undertake the Chief Executive Officer's annual performance review for 2021/22 and draft key performance indicators for 2022/23.

Background

1. Section 5.38 of the *Local Government Act 1995* requires local governments to conduct CEO performance reviews at least once annually.
2. On 3 May 2021, the newly prescribed model standards for CEO recruitment, performance and termination came into effect (Schedule 2 of the *Local Government (Administration) Regulations 1996* (Model Standards)). Clause 17 of the Model Standards require CEO performance reviews be carried out:
 - a. against their contractual performance criteria and any additional performance criteria;
 - b. based on thorough and comprehensive evidence collected by the local government regarding the CEO's performance in respect of those criteria; and
 - c. in an impartial and transparent manner.
3. The CEO's performance criteria for the 2021/22 financial year address each of the Evolution of Excellence Foundation areas, being:
 - a. Strategy, performance and advocacy
 - b. Leadership and organisational capacity
 - c. Governance, risk and assurance
 - d. Project and service delivery
4. At the CEO Performance Review Committee meeting held on 19 August 2021, the Committee formally supported a process for conducting the CEO performance review for 2020/21 (refer Attachment 6.2A). The first step being the appointment of an independent consultant:
 - a. City seeks requests for proposals from suitable independent consultants
 - b. City proposes top two preferred independent consultants to the CEO Performance Committee and CEO for agreement
 - c. City engages the preferred independent consultant on terms and scope to be negotiated.

Discussion

5. Quotations were sought from three consultants recommended by WALGA to:
 - a. review evidence supporting the internal assessment against the CEO KPIs and provide a final report.
 - b. work closely with the CEO, CEO Performance Review Committee and Council to prepare draft 2022/23 KPIs and any performance agreement (if required).
6. Two of the consultants declined the invitation to submit a quotation. A third consultant, Strategic Leadership Consulting, submitted a quotation as provided in Attachment 6.2B. The engagement of Strategic Leadership Consulting is recommended.

Stakeholder Engagement

Nil.

Decision Implications

7. If the Committee conducts the CEO performance review for 2021/22 on the basis of an external consultant's report, this will align with the Model Standards and the performance review process agreed upon by the Committee and the CEO.
8. This will also enable the review to be presented to Council for endorsement, as required by clause 18 of the Model Standards.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	Section 5.38 of the <i>Local Government Act 1995</i> Schedule 2 of the <i>Local Government (Administration) Regulations 1996</i>
Authority of Council/CEO:	Matters relating to the CEO's employment are the exclusive jurisdiction of the Council.
Policy:	Nil.

Financial Implications

9. The financial implications of the recommendation are accommodated within the existing budget.

Account Number	1001-100-10-10001-7230	Operating
Account Description	CEO Alliance - Consultancy and Professional Fees	
Total Budget	\$115,000	
Budget – This report	\$8,250	
Remaining Budget	\$106,750	
Budget Impact	\$0	

Further Information

10. The Committee considered this item at its meeting held 12 April 2022 and resolved as follows:
That the CEO Performance Review Committee RECOMMENDS the appointment of Strategic Leadership Consulting to undertake the annual performance review for 2021/22 and draft key performance indicators for 2022/23.
11. As there is some ambiguity in the phrasing of the above resolution, the Administration have drafted a revised recommendation for Council's consideration, to ensure clarity in Council's final decision.
12. Since the Committee's consideration of this Item, there has been discussion surrounding the requirement for Council to consider the Committee's recommendation. The result of those discussions is this Item ultimately now being considered by Council. During this time, the consultant has commenced information gathering and briefed elected members on the review process.

Council Resolution (SCM-22/06-002)

Mover: Councillor Brent Fleeton

Seconded: Councillor Catherine Lezer

That Council SUPPORTS the engagement of Strategic Leadership Consulting to undertake the Chief Executive Officer's annual performance review for 2021/22 and draft key performance indicators for 2022/23.

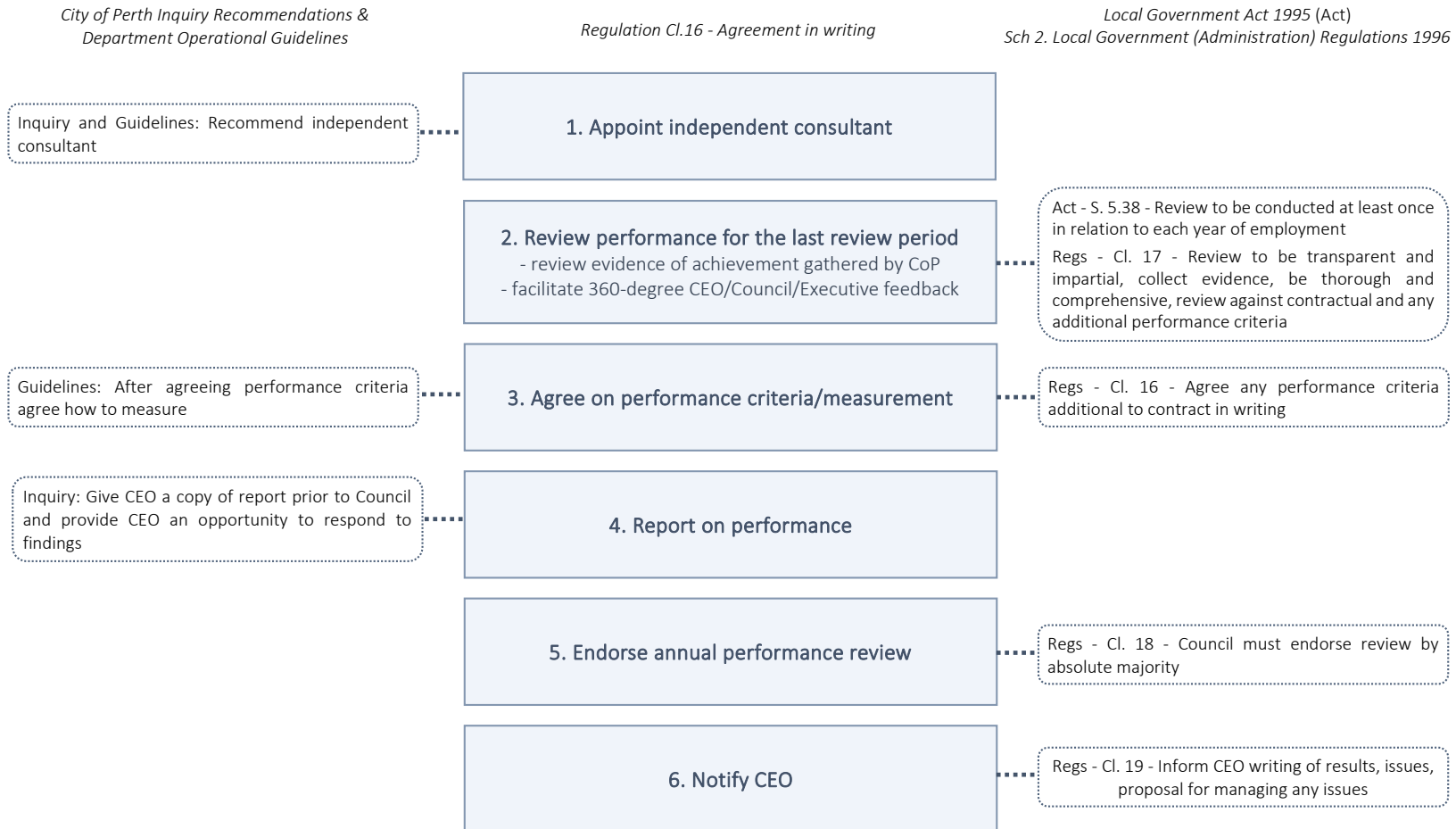
CARRIED UNOPPOSED (7/0)

For: Lord Mayor Basil Zempilas; Councillors Sandy Anghie, Clyde Bevan, Brent Fleeton, Liam Gobbert, Rebecca Gordon, and Catherine Lezer

Against: Nil

CEO Performance Review Process – approved by Council 31 August 2021 (Item 18.5)

Overview



CEO Performance Review Process – approved by Council 31 August 2021 (Item 18.5)

Detailed

Stage	Process
1. Appoint Independent Consultant	<ol style="list-style-type: none"> 1. City seeks requests for proposals from suitable independent consultants 2. City proposes top 2 preferred independent consultants to the CEO Performance Committee and CEO for agreement 3. City engages the preferred independent consultant on terms and scope to be negotiated
2. Performance Review	<ol style="list-style-type: none"> 1. Independent consultant facilitates; <ol style="list-style-type: none"> a. 360-degree CEO/Council/Executive feedback on performance b. Review of evidence of performance gathered by the CoP 2. Independent consultant provides feedback to CEO
3. Agree on Performance Criteria	<ol style="list-style-type: none"> 1. City to provide independent consultant with: <ol style="list-style-type: none"> a. CEO employment contract terms that are relevant to CEO performance; b. Draft CEO KPI's; and c. Policies and documents relevant to CEO performance including Act, Regulations and department guidelines (Feb 2021) 2. CEO and independent consultant submit to Committee: <ol style="list-style-type: none"> a. Draft performance agreement (if required); and b. Draft proposed performance criteria including goals/measurement (final KPI's) 3. Engagement session with Council 4. Committee and CEO agree and finalise documents submitted for approval 5. Committee meeting to endorse for approval 6. Go to Council for approval
4. Report	<ol style="list-style-type: none"> 1. Independent consultant to prepare draft performance assessment report 2. If performance issues are identified in the review process - independent consultant to propose a plan to address performance issues 3. CEO to be provided copy of draft report 4. CEO given opportunity to make submissions and respond to draft report 5. Independent consultant <ol style="list-style-type: none"> a. reviews CEO submissions and response; b. prepares final report in consideration of above; and c. submits final report to Committee

CEO Performance Review Process – approved by Council 31 August 2021 (Item 18.5)

5. Endorse	<ol style="list-style-type: none">1. Committee considers report2. Committee makes recommendation to Council3. Report and recommendation from Committee submitted to Council for endorsement by absolute majority
6. Notify CEO	<ol style="list-style-type: none">1. Lord Mayor to notify CEO in writing of –<ol style="list-style-type: none">a. results of review; andb. if performance issues identified, how Council proposes to address and manage those issues

7. Closure

There being no further business, the Presiding Member declared the meeting closed at 4.07pm.