

CEO PERFORMANCE REVIEW PANEL

NOTICE OF MEETING

To: **Presiding Member** Cr Jan Loveday

Members

Mayor Bill Spragg Cr Jan-Claire Wisdom, Deputy Mayor Cr Linda Green Ms Paula Davies, Independent Member

Notice is hereby given pursuant to the provisions under Section 87 of the *Local Government Act 1999* that the next meeting of the CEO Performance Review Panel will be held on:

Thursday 12 April 2018 6.00pm 63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 87 of the Act.

Committee meetings are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 88 of the Act.

1. htt

Andrew Aitken Chief Executive Officer



CEO PERFORMANCE REVIEW PANEL

AGENDA FOR MEETING

Thursday 12 April 2018 6.00pm 63 Mt Barker Road Stirling

ORDER OF BUSINESS

Council Vision Nurturing our unique place and people

Council Mission

Delivering activities and services which build a resilient community, sustain our built and natural environment and promote a vibrant economy

1. COMMENCEMENT

2. APOLOGIES/LEAVE OF ABSENCE

- 2.1 Apology Apologies were received from
- 2.2 Leave of Absence
- 2.3 Absent

3. MINUTES OF PREVIOUS MEETINGS

3.1 CEO Performance Review Panel – 8 November 2017

Recommendation

That the minutes of the CEO Performance Review Panel meeting held on 8 November 2017, as supplied, be confirmed as an accurate record of the proceedings of that meeting.



4. PRESIDING MEMBER'S OPENING COMMENTS

5. DELEGATION OF AUTHORITY

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE PANEL

7. OFFICER REPORTS – DECISION ITEMS

7.1 Update on 2017-2018 CEO Performance Targets That the CEO PRP resolves that the report be received and noted.

7.2 Internal or External CEO Performance Review 2018

- 1. That the report be received and noted
- 2. That the CEO Performance Review Panel recommends to Council to undertake the 2018 CEO Performance Review and TEC Package review using an external consultant.

7.3 2018 CEO Performance Review Panel Meeting and Process Schedule

- 1. That the report be received and noted.
- 2. That the 2018 CEO Performance Review Panel Meeting and Process Schedule, as contained in Appendix 1, be adopted.

8. OFFICER REPORTS – INFORMATION ITEMS

8.1 Proposed 2018 – 2019 CEO Performance Targets That the Panel resolves that the report be received and noted.

9. MOTIONS WITHOUT NOTICE

10. QUESTIONS WITHOUT NOTICE

11. CONFIDENTIAL ITEMS Nil

12. NEXT MEETING

The next CEO Performance Review Panel meeting will be held on Tuesday 29 May 2018 from 6.00pm at 63 Mount Barker Road, Stirling.

13. CLOSE MEETING

(These minutes will be confirmed at the next meeting of this Panel)

Members:

Presiding Member: Cr Jan Loveday

Cr Jan-Claire Wisdom Cr Ian Bailey Ms Paula Davies, Independent Member

In attendance:

Andrew Aitken	Chief Executive Officer
Megan Sutherland	Executive Manager Organisational Development
Lachlan Miller	Executive Manager Governance & Performance

1 Commencement

The meeting commenced at 9.04am

2 Apologies/Leave of Absence

- 2.1 Apology An apology was received from Mayor Bill Spragg
- 2.2 Leave of Absence Nil
- 2.3 Absent Nil

(These minutes will be confirmed at the next meeting of this Panel)

3 Previous Minutes

3.1 CEO Performance Review Panel Meeting – 20 September 2017

Moved Paula Davies S/- Cr Jan-Claire Wisdom

That the minutes of the CEO Performance Review Panel meeting held on 20 September 2017 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

CEO 18/17

Presiding Member's Opening Comments Cr Jan Loveday advised that this was the last meeting of the current Panel. She thanked Cr Ian Bailey for his contribution and advised the panel that Cr Linda Green will be the incoming Council Member.

5 Delegation of Authority

4

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

- 6 Declaration of Interest by Members of the Committee Nil
- 7 Officer Reports Decision Items
- 7.1 Update on CEO Performance Targets 2017-2018

Moved Paula Davies S/- Cr Jan-Claire Wisdom

That the CEO Performance Review Panel resolves that the report be received and noted.

Carried Unanimously

CEO 19/17

- 8 Motions Without Notice Nil
- 9 Questions Without Notice Nil

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(These minutes will be confirmed at the next meeting of this Panel)

10 Confidential items

10.1 CEO Performance Review 2017 – Exclusion of the Public

Moved Cr Ian Bailey S/- Cr Jan-Claire Wisdom CEO 20/17

Pursuant to section 90(2) of the *Local Government Act 1999* the CEO Performance Review Panel (the Panel) orders that all members of the public, except:

- Executive Manager Organisational Development, Megan Sutherland
- Executive Manager Governance and Performance, Lachlan Miller

be excluded from attendance at the meeting for Agenda Item 10.1: (CEO Remuneration Review 2017) in confidence.

The Panel is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified in (a) above, be excluded to enable the Panel to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, 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 the personal affairs of the Chief Executive Officer, in that details of his performance review will be discussed.

Accordingly, on this basis the principle that meetings of the Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

(These minutes will be confirmed at the next meeting of this Panel)

10.1.1 CEO Performance Review 2017 – Confidential Item

RELEASED 1 FEBRUARY 2018

Moved Cr Ian Bailey S/- Paula Davies CEO 21/17

The CEO Performance Review Panel resolves:

- 1. That the report be received and noted
- 2. To recommend to Council that the CEO 'exceeds expectations' in relation to the 2017 CEO Performance Review.
- **3.** To recommend to Council to update the position description key responsibilities as follows:
 - **3.1** 'Stakeholder Management and Communication' update point 9 to read: '9. *liaise with community and business groups to facilitate economic growth and community development for the AHC district.*'
 - **3.2** 'Operational Management, Governance and Major Projects', update point 4 to read: '4. Endeavour to have major projects completed on time and within budget and project status is regularly monitored and communicated to CM's.'

(These minutes will be confirmed at the next meeting of this Panel)

10.1.2 CEO Performance Review 2017 – Period of Confidentiality

Moved Cr Jan-Claire Wisdom S/- Paula Davies

CEO 22/17

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Panel's decision(s) in this matter in the performance of the duties and responsibilities of office, the Panel, having considered at Agenda Item 10.1 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of the Panel and the discussion and considerations of the subject matter be retained in confidence until the CEO has been advised in writing, but not longer than 1 month from the date of the decision of Council.

Pursuant to section 91(9)(c) of the Local Government Act 1999, the Panel delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.

(These minutes will be confirmed at the next meeting of this Panel)

10.2 CEO Remuneration Review 2017 – Exclusion of the public

Moved Paula Davies S/- Cr Ian Bailey CEO 23/17

Pursuant to section 90(2) of the *Local Government Act 1999* the CEO Performance Review Panel (the Panel) orders that all members of the public, except:

- Executive Manager Organisational Development, Megan Sutherland
- Executive Manager Governance and Performance, Lachlan Miller

be excluded from attendance at the meeting for Agenda Item 10.2: (CEO Remuneration Review 2017) in confidence.

The Panel is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified in (a) above, be excluded to enable the Panel to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, 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 the personal affairs of the Chief Executive Officer, in that details of his remuneration package will be discussed.

Accordingly, on this basis the principle that meetings of the Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

(These minutes will be confirmed at the next meeting of this Panel)

10.2.1 2017 CEO Remuneration Review – Confidential Item

RELEASED 1 FEBRUARY 2018

Moved Paula Davies S/- Cr Ian Bailey CEO 24/17

The CEO Performance Review Panel resolves:

- 1. That the report be received and noted
- 2. That no increase is paid as part of the 2017 performance review due to the renegotiation of the new Employment Agreement and Total Employment Cost Package that commenced from 1 July 2017.

(These minutes will be confirmed at the next meeting of this Panel)

10.2.2 2017 CEO Remuneration Review – Period of Confidentiality

Moved Cr Ian Bailey S/- Paula Davies CEO 25/17

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Panel's decision(s) in this matter in the performance of the duties and responsibilities of office, the Panel, having considered at Agenda Item 10.2 in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of the Panel and the discussion and considerations of the subject matter be retained in confidence until the CEO has been advised in writing, but not longer than 1 month from the date of the decision of Council.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, that the Panel delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.

Carried Unanimously

11 Next Meeting

The next CEO Performance Review Panel meeting will be called as a Special Meeting

12 Close Meeting

The meeting closed at 9.35am

ADELAIDE HILLS COUNCIL CEO PERFORMANCE REVIEW PANEL MEETING Thursday 12 April 2018 AGENDA BUSINESS ITEM

ltem:	7.1
Originating Officer:	Andrew Aitken, Chief Executive Officer
Subject:	2017-2018 CEO Performance Targets Update
For:	Decision

SUMMARY

The role of the Chief Executive Officer (CEO) Performance Review Panel (the Panel) includes reviewing the performance of the CEO, in particular the performance against the Performance Targets and to undertake a review of the CEO's Performance Targets to ensure they remain relevant, achievable and aligned to Council's strategic objectives.

This report provides an update on activities against the Performance Targets for 2017-2018.

RECOMMENDATION

That the CEO Performance Review Panel resolves that the report be received and noted.

1. GOVERNANCE

Strategic Management Plan/Council Policy

GoalOrganisational SustainabilityKey IssueGovernance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

Legal Implications

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999.*

This report summarises progress against the established and agreed Performance Targets for 2017-2018, and forms part of the performance review process to ensure the CEO is provided with a fair and consistent performance review process that would stand up under scrutiny.

Risk Management Implications

The CEO Performance Targets update is an important control in managing the risks of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

Non-achievement of CEO Performance Targets resulting in loss of community benefit and/or opportunities and/or stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (3C)

Note: there are many other controls that also assist in managing this risk.

Financial and Resource Implications

There are no financial or resource implications in reporting on projects against the CEO Performance Targets.

Customer Service and Community/Cultural Implications

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure the best outcomes for the community.

There is a community expectation that the CEO is accountable to, and performs against, the agreed Performance Targets.

> Environmental Implications

Not applicable.

Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group and Community

Members of the Executive Leadership Team (detailed below) provided updates on progress of the performance targets (see Appendix 1).

Council Committees:	Not applicable	
Council Workshops:	Not Applicable	
Advisory Groups:	Not applicable	
Administration:	Chief Executive Officer	
	Director Community and Customer Service	
	Director Strategy and Development	
	Director Engineering and Assets	
	Director Corporate Services	
	Executive Manager Organisational Development	
	Executive Manager Governance and Performance	
Community:	Not applicable	

2. BACKGROUND

The CEO's new Employment Agreement commenced on 1 July 2017, the Council also adopted a new suite of CEO Performance Targets on 27 June 2017 covering the 2017-2018 financial year.

14.5. CEO Performance Targets 2017-2018

Moved Cr Jan Loveday S/- Cr Lynton Vonow 132/17

Council resolves:

- 1. That the report be received and noted
- 2. To adopt the suite of CEO Performance Targets as recommended by the Panel in Appendix 1 of this report.

Carried Unanimously

3. ANALYSIS

This item provides the opportunity for the CEO to update the CEO Performance Review Panel on the progress against the Performance Targets to date and identify any issues for consideration. This enables the Panel to undertake an interim analysis of the CEO Performance Targets with a view to reviewing priorities and existing timeframes, if required.

4. OPTIONS

The CEO Performance Review Panel has the following options:

- 1. That the report be received and noted.
- 2. That the Panel makes alternative/additional recommendations to Council relating to the current suite of Performance Targets.

5. APPENDIX

(1) 2017-2018 CEO Performance Targets Update

Appendix 1

2017-2018 CEO Performance Targets Update



2017-2018 CEO PERFORMANCE TARGETS UPDATE

	Target	Responsible Officer	Update
1.	Digital Mobility in the Field Establish and complete a pilot to assess the service impact of utilising mobile devices in the field. Primary areas will include Development Services (compliance), and Works & Services (maintenance).	Marc Salver	IN PROGRESS: Mobile devices were rolled out to Open Space (Playgrounds), Ranger Services and Development Compliance staff in October/November 2017. The service impact of having these mobile devices in the field is currently being assessed. This assessment, that will consider quantitative (including time and dollar savings) and qualitative benefits, is expected to be finalised by the end of April this year.
2.	Age Friendly Plan – Retirement Villages Provide a recommendation to Council following the Expression Of Interest / Request For Proposal process on the future management model for Adelaide Hills Council's retirement villages	Terry Crackett	 COMPLETED: Calls for expressions of interest commenced in July 2017 and closed on 31 August 2017. Six submissions were received and have been reviewed by staff. A confidential workshop was presented to Council on 6 December 2017. A confidential report was presented to Council at the meeting of 27 February 2018 detailing submissions received from the EOI process with various recommendations for further investigation and action. A further report will be presented to Council later this year following completion of those further actions and investigations.
3.	Mentoring & Coaching program Establish and commence an organisational mentoring and coaching development program	Megan Sutherland	 IN PROGRESS: Consultation with the Strategic Leadership Team and CEO has taken place. The development of a simple framework is being prepared. A registration of interest, or similar, for a panel of possible coaches for AHC is expected to be undertaken by mid May this year.



2017-2018 CEO PERFORMANCE TARGETS UPDATE

	Target	Responsible Officer	Update
4.	Arts & Culture Develop and present to Council for endorsement the Business Plan to establish an Arts & Heritage Hub at the Old Woollen Mill site at Lobethal.	David Waters	COMPLETED: The Council received an noted the completed Business Development Framework at its meeting on 27 February 2018 and resolved to proceed with implementation.
5.	Asset Management Planning (AMP) Complete an update of all Asset Management Plans to inform the 2018/19 review of the Long Term Financial Plan. This update to include a detailed review of Transport Asset categories and capture of asset information within the Asset Management System	Peter Bice	 COMPLETED: The High level review and analysis of Transport Assets has been undertaken successfully. Subsequently, a business review process was completed and a data transfer specification developed to migrate sealed, unsealed, footpath, pavement transport data into the Confirm Enterpise Asset Management System. A workshop was held with Council Members on 20 September 2017 to discuss Transport Assets and high level review of current condition, performance indicators and operational/ capital consideration in a complete asset management cycle. A detailed workshop with Council Members was then held on 30 January 2018 incorporating the detailed review of transport assets and reallocations of all asset class expenditure levels, which informed the updated Long Term Financial Plan currently out for public consultation.
6.	Corporate Reporting Measurement Review Council's corporate reporting approaches and produce a consolidated Corporate Reporting Framework from which to guide regular reporting to management and Council	Lachlan Miller	 IN PROGRESS: An integrated Corporate Planning and Performance Reporting Framework has been drafted and consulted on internally. The draft Framework recognises Council's legislative obligations along with its current discretionary initiatives in this space. A report is scheduled for the April Council Meeting and will seek the adoption of the Framework and associated implementation actions.

ADELAIDE HILLS COUNCIL CEO PERFORMANCE REVIEW PANEL Thursday 12 April 2018 AGENDA BUSINESS ITEM

Item:	7.2
Originating Officer:	Megan Sutherland, Executive Manager Organisational Development
Subject:	Internal or External CEO Performance Review 2018
For:	Decision

SUMMARY

This report provides the backround to the past review processes used to assess the CEO's performance.

This report discusses the two options that can be considered to undertake the performance review process.

The CEO Performance Review Panel (the Panel) must decide on whether to undertake the performance review and review of the TEC package of the CEO using an internal or external process.

RECOMMENDATION

That the Panel resolves:

- 1. That the report be received and noted
- 2. That the CEO Performance Review Panel recommends to Council to undertake the 2018 CEO Performance Review and TEC Package review using an external consultant.

1. GOVERNANCE

Strategic Management Plan

GoalOrganisational SustainabilityKey IssueGovernance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

Legal Implications

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999 (LG Act)*. The Panel must make recommendation to Council on the preferred performance review process.

The regular review of the CEO's performance needs to be undertaken appropriately to ensure the CEO is provided with a procedurally fair and consistent approach to performance reviews. The process needs to stand up under scrutiny, as the process, review tool and outcomes of the review directly affect decisions made in relation to the CEO, his performance, remuneration and employment agreement, the industrial provisions under which the CEO is employed.

It is also important to note that the performance review process must be undertaken to ensure any decisions required of Council can be made before the Caretaker Period commences on 18 September 2018. During the 'Caretaker Period' the *Local Government (Elections) Act 1999* prohibits '*designated decisions*' from being made. Under the Act (s91A), decisions affecting the CEO Performance Review process are defined as those:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer: or
- (b) to terminate the appointment of the Chief Executive Officer

As the finalisation of the CEO's Performance Review and remuneration review process requires a decision of Council, the Panel must ensure the review process is completed in appropriate timeframes to allow a report to Council's August meeting.

Risk Management Implications

Undertaking regular review of the CEO's performance is an important control mitigating the risk of:

Deficient CEO performance review practices result in a lack of accountability and loss of stakeholder confidence in the organisation.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

Non-achievement of CEO Performance Targets result in loss of community benefit and/or opportunities and/or stakeholder confidence in the organisation.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (3C)

Note: there are many other controls that also assist in managing this risk.

Financial and Resource Implications

Under the Panel's Terms of Reference, the Panel shall:

4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's budget;

Costs associated with using an external consultant to undertake the CEO Review process are covered within the draft 2018/2019 budget.

> Customer Service and Community/Cultural Implications

There is an expectation that the performance of the CEO is reviewed in a sound, fair and comprehensive manner.

> Environmental Implications

Not applicable.

Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community

Council Committees:	Not applicable
Council Workshops:	Not applicable
Advisory Groups:	Not applicable
Administration:	Not applicable
Community:	Not applicable

2. BACKGROUND

The CEO's first four years of performance was reviewed by an external consultant, where a comprehensive review process was undertaken. This included a '360 degree' review tool completed by Council Members, direct reports and, in some years, managers. The assessment sought feedback on the completion of the identified performance targets, key responsibilities from the position description and personal attributes.

Reports were provided to the CEO, and a one-on-one debrief on those results with the consultant was held. The report was also provided to the CEO Performance Review Panel for review and a copy presented to the Council Members. A debrief by the consultant summarising the report outcomes was provided to both the Panel and Council Members at the relevant Panel meeting and Council workshop.

The final report and recommendations from the Panel to the Council, including any increases to the CEO's Total Employment Cost package, have formed the final stage of the process.

Report findings over these four years have clearly shown the CEO's consistently competent performance in the role both as a person and leader, as well as indicating his ability to meet the identified performance targets. Each year the CEO Performance Review Reports have shown the CEO has met and at times exceeded expectations.

In 2017, the Panel, with Council's endorsement, undertook a review of the CEO's performance using an internal review process where assessment was made against the position description and the performance targets.

The final report and recommendations from the Panel to the Council completed the process with a determination by Council that the CEO exceeds expectations.

19.1.1 CEO Performance & Remuneration Review – Confidential Item

RELEASED 1 FEBRUARY 2018

Moved Cr Jan Loveday S/- Cr Lynton Vonow

Council resolves:

- 1. That the report be received and noted
- 2. That the CEO 'exceeds expectations' in relation to the 2017 CEO Performance Review
- 3. To update the position description key responsibilities as follows:
 - 3.1 'Stakeholder Management and Communication' update point 9 to read: '9. liaise with community and business groups to facilitate economic growth and community development for the AHC district.'
 - 3.2 'Operational Management, Governance and Major Projects', update point 4 to read: '4. Endeavour to have major projects completed on time and within budget and project status is regularly monitored and communicated to CM's.'
- 4. That no increase is paid as part of the 2017 performance review due to the renegotiation of the new Employment Agreement and Total Employment Cost Package that commenced from 1 July 2017.

Carried Unanimously

Performance Review Requirements

The CEO's new Employment Agreement commenced on 1 July 2017.

Clause 12 of the Agreement contains the provisions for a performance review process with the following key features:

- 12 PERFORMANCE REVIEW
- 12.1 The parties agree that the CEO will undergo no less than one annual performance review in accordance with the Council requirements for the Term of this Agreement. The CEO must also participate if directed in any other performance review required by the Council.
- 12.2 The performance review shall be conducted on an annual basis.
- 12.3 The CEO's performance will be assessed by reference to the Personal Evaluation System measured against the CEO's Duties as outlined in this Agreement, Position Description and any other factors considered relevant by agreement with the CEO. Evaluation will include the extent to which the CEO has discharged the CEO's goals, objectives, responsibilities and Duties outlined in Schedule 1.
- 12.4 The performance review will review the CEO's Position Description and any key performance indicator.
- 12.5 A written report shall be compiled with respect to the performance review and a copy provided to the CEO. The report shall set out in detail where Competent Performance (or better) has been achieved, and any particular aspects of the CEO's performance that require improvement, together with reasonable time frames within which it is expected those areas of performance to be improved to a specified standard.

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- 12.6 The Council must provide whatever counselling, advice and assistance are reasonably necessary to enable the CEO to improve his performance during that period.
- 12.7 At the conclusion of the time frames referred to in Clause 12.5 and after taking into account the written report referred to in that Clause (and such other matters as the Council considers relevant), the CEO will either:
 - 12.7.1 be informed that performance has improved to the satisfaction of the Council or reached Competent Performance (or better) and that no further action will be taken; or
 - 12.7.2 be provided with further written notice, providing final warning that unless the CEO's performance improves in the same stipulated areas, once again within a time frame, the Council will terminate this Agreement pursuant to Clause 14.3.1
- 12.8 The CEO's Personal Evaluation System must be reviewed and, if necessary, amended by agreement within two months after each performance review.

Personal Evaluation System (PES)

Before undertaking any review process, the PES must be agreed with the CEO.

Competent Performance, as defined in Clause 1 'Definitions' of the Employment Agreement states:

Competent Performance means the achievement by the CEO of a performance rating at least equal to the mid point of the rating scale (ie CEO's performance met expectation).

Remuneration (TEC) Package Review

The Total Employment Cost (TEC) package must also be reviewed under the Employment Agreement, specifically:

- 13 TEC PACKAGE REVIEW
- 13.1 The TEC Package specified in Clause 10 and Schedule 2 shall be reviewed annually in conjunction with the performance review process and outcomes.
- 13.2 The TEC Package review will be conducted each year following the performance review set out in Clause 12 (if reasonably practicable), and any change to the TEC Package shall take effect from the anniversary of the Commencement Date or as agreed.

It is recommended that a consultant be used to undertake a review and provide independent advice to the Panel on the TEC Package of the CEO.

3. ANALYSIS

For the coming year, the Panel must decide on whether to use an internal or external CEO Performance Review process.

External Review Process

An external process would require the engagement of a consultant. Establishing the process would require the use of a tool to assess the CEO against the position description and performance target completion. The tool would be agreed, under advisement from the consultant, between the CEO and Panel. The schedule to complete this work is provided in the separate report covering the Panel's Meeting and Process Schedule.

Any review must be completed and recommendations reported to Council at the August Council meeting due to the Caretaker Period commencing in September, as already discussed under Legal Implications in this report.

If this process is chosen, the survey tool will need to be agreed, covering the position description and performance targets. The report would be discussed through the Panel and the final report and recommendation taken to Council.

External Process - Report Format

It is proposed that the following components are included in the survey tool and final report if an external consultant is contracted.

Survey Tool	Report
Position requirements	Individual rating for the following groups CEO, Council Members and Executive Leadership Team
Performance Targets	Overall table of results / graphed data
Leadership behaviours/competencies	A summary of results and what they mean
To provide general feedback on strengths	A summary of the strengths and areas for improvement
To provide general feedback on possible improvements	Highest rates and lowest rates findings

It is important that confidentiality of respondents is maintained.

A final CEO Performance Review report would be provided for the Council record.

In this process, the Presiding Member, Cr Jan Loveday, and Executive Manager Organisational Development (OD), Megan Sutherland, would meet with the successful consultant to discuss the schedule of work, survey and report (generally), with the Executive Manager OD managing the overall process via the consultant.

Internal Review process

An internal process would require the use of a tool to assess the CEO against the position description and performance target completion. As this process was undertaken last year, it is recommended the tool used would be the same or similar to last year. The final assessment tool would be agreed between the CEO and Panel. The work would be undertaken within the provisions of the Meeting and Process Schedule (provided under

serarate report). If this process is chosen, it is recommended that the review process be undertaken as per the CEO Performance Review - Internal Process (**Attachment 1**).

The report would be discussed through the Panel and the final report and recommendation taken to Council.

There is a potential conflict with a member of the Administration coordinating the internal performance review of the CEO. These risks would need to be managed if this approach is undertaken.

Internal Review - Report Format

It is proposed that the following components would be included in the process if undertaken internally.

Survey Tool	Report
Position requirements	Agreed outcome of the CEO's Performance
Performance Targets	Overall table of results against the tool
Leadership behaviours/competencies	

It is important that confidentiality of respondents is maintained. A final report on the survey findings would be provided for Council record.

4. OPTIONS

- 1. That the Panel agrees to undertake the performance review and TEC package review using an external consultant. (Recommended)
- 2. That the Panel agrees to undertake a review using an internal process and utilise a consultant to undertake the TEC package review.

Appendix 1

CEO Performance Review - Internal Process



CEO PERFORMANCE REVIEW - INTERNAL PROCESS

The CEO Performance Review Panel (the Panel) is required to undertake a review of the CEO's performance on an annual basis.

An internal review process is supported by:

- 1. Past external processes undertaken
- 2. Consistency of past CEO performance results
- 3. The need for a review at this time
- 4. A new Employment Agreement that now correlates with financial years
- 5. A reduction in the period between reviews (due to the Employment Agreement change).

Internal Review Process

Methodology

This review process is undertaken with self-evaluation and feedback from the Panel.

The methods of review include:

- 1. Rating scales an overall assessment across the subject matter of the 8 key responsibilities
- 2. Performance Targets an assessment against the achievement of the performance targets
- 3. Strengths feedback on strengths of the CEO
- 4. Improvements feedback on areas for the CEO to improve



CEO PERFORMANCE REVIEW - INTERNAL PROCESS

Review will comprise of:

ACTIONS	REVIEWER/S
Performance Targets - Review performance targets to determine achievement outcome	Via discussion with CEO and the Panel
Position description – Broadly discuss the position description key responsibilities and determine	Via discussion with CEO and the Panel
strengths and specific improvement opportunities overall	

Process

The proposed process including approximate timeframes, actions and participants is detailed below.

Approximate timeframe	Action	Participants	
	CEO and Panel Members undertake a review of CEO individually using	CEO and the Panel	
	CEO Performance Review		
	CEO and the Panel meet to discuss the review tool and feedback	CEO and the Panel	
	CEO and the Panel agree on draft CEO Performance Review outcomes		
	Outcome of the Review discussed at workshop with Council	Presiding Member CEO PR Panel and Mayor	
	The Panel make's recommendation to Council on Review outcome	CEO PRP meeting	
	Report and recommendation to Council		

Personal Evaluation System

Ratings in the tool are undertaken using the rating scale below:

5 Exceptional	Performance far exceeded expectations due to exceptionally high quality of work performed in all essential areas of responsibility, resulting in
	an overall quality of work that was superior
4 Exceeds expectations	Performance consistently exceeded expectations in all essential areas of responsibility, and the quality of work overall was excellent. Annual
	goals were met.
3 Meets expectations	Performance consistently met expectations in all essential areas of responsibility, at times possibly exceeding expectations, and the quality of
	work overall was very good. The most critical annual goals were met.
2 Improvement needed	Performance did not consistently meet expectations – performance failed to meet expectations in one or more essential areas of responsibility,
	and/or most critical goals were not met.
1 Unsatisfactory	Performance was consistently below expectations in most essential areas of responsibility, and/or reasonable progress toward critical goals was
	not made. Significant improvement is needed in one or more important areas.

ADELAIDE HILLS COUNCIL CEO PERFORMANCE REVIEW PANEL Thursday 12 April 2018 AGENDA BUSINESS ITEM

Item:	7.3
Originating Officer:	Megan Sutherland, Executive Manager Organisational Development
Subject:	2018 CEO Performance Review Panel Meeting and Process Schedule
For:	Decision

SUMMARY

The role of the CEO Performance Review Panel (the Panel) is to provide advice to Council on matters relating to the performance and development of the CEO. This report outlines the proposed process, actions and timeframes in which the Panel will undertake this work in 2018.

The agreement of the year's meeting and process dates enables required work to be undertaken in preparation for the CEO Performance Review Panel meetings and to manage the process for the review of the CEO's performance.

RECOMMENDATION

That the Panel resolves:

- 1. That the report be received and noted.
- 2. That the 2018 CEO Performance Review Panel Meeting and Process Schedule, as contained in Appendix 1, be adopted.

1. GOVERNANCE

Strategic Management Plan

Goal	Organisational Sustainability
Key Issue	Governance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

Legal Implications

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999* (the Act).

The regular review of the CEO's performance needs to be undertaken appropriately to ensure the CEO is provided with a fair and consistent approach to performance reviews. The process needs to stand up under scrutiny, as the process, review tool and outcomes of the review directly affect decisions made in relation to the CEO, his performance, remuneration and employment agreement.

Section 87 of the Act set out the provisions for the calling and timing of Council Committee meetings.

Section 88 of the Act set out the provisons relating to public notice of Council Committee meetings.

Importantly, the Caretaker Period for the Local Government Election is from 18 September 2018 to the conclusion of the election (no later than 6 December).

During the 'Caretaker Period' the *Local Government (Elections) Act 1999* prohibits '*designated decisions*' from being made. Under the Act (s91A), decisions affecting the CEO Performance Review process are defined as those:

- (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer: or
- (b) to terminate the appointment of the Chief Executive Officer;.

Therefore, the schedule has all decisions regarding the Panel's recommendations and Council's decisions being managed before the Caretaker Period commences.

Risk Management Implications

Regular CEO PRP meetings are an important control in managing the risks of:

Deficient CEO performance review practices result in a lack of accountability and loss of stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

Non-achievement of CEO KPIs result in loss of community benefit and/or opportunities and/or stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (3C)

Note: there are many other controls that also assist in managing this risk.

Financial and Resource Implications

The costs associated with the operations of the Panel are contained in the current budget.

Customer Service and Community/Cultural Implications

There is an expectation that the requirements of the Terms of Reference will be adhered to and the CEO Performance Review Panel will have nominated meetings to undertake the work of the Panel and make recommendations to Council.

As a s41 committee, the schedule of meetings will be posted on Council's website and meetings are open to the public unless the provisions of s90 (Meetings to be held in public except in special circumstances) apply to specific agenda items.

Environmental Implications

Not applicable.

Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community

Preparation of the proposed schedule involved consultation with the Panel's Presiding Member, Cr Jan Loveday, and the officers stated below.

Council Committees:	Not applicable
Council Workshops:	Not applicable
Advisory Groups:	Not applicable
Administration:	Chief Executive Officer
	Executive Manager Governance and Performance
Community:	Not applicable

2. BACKGROUND

Establishing the CEO Performance Review Panel meetings schedule for 2018 enables the required planning to be undertaken by the Administration in preparation for the meetings.

Setting meeting dates enables Panel Members to prioritise the meetings or notify in advance if they will be unable to attend. Setting the schedule enables Council to meet its legislative obligations under s87 and s88 of the Act.

3. ANALYSIS

The meeting schedule (*Appendix 1*) is proposed from discussions with the CEO Performance Review Panel Presiding Member, the CEO, the Executive Manager Governance and Performance and the Executive Manager Organisational Development.

The schedule and timeframes can be applied to an internal or external review process (as is being decided in another report).

As already discussed (under legal Implications), the schedule has all decisions regarding the Panel's recommendations and Council's decisions being managed before the Caretaker Period commences.

This schedule and process timeline has identified the following elements:

- 1. CEO Performance Review Panel meetings for 2018 (including proposed dates for the first meeting after the Council election and the first meeting for 2019, both of which will need to be decided after the election)
- 2. Workshops with Council and where required, other senior leaders
- 3. Review process timeframes
- 4. Council meetings where recommendations from the Panel must be provided for decision.

4. OPTIONS

- 1. That the Panel accept the proposed meeting schedule for 2018. (Recommended)
- 2. That the Panel change or amend the proposed meeting schedule for 2018.
- 3. That the Panel agree to a different meeting schedule for 2018.

5. APPENDIX

1. 2018 CEO Performance Review Panel Meeting and Process Schedule

Appendix 1

2018 CEO Performance Review Panel Meeting and Process Schedule



2018 CEO PERFORMANCE REVIEW PANEL MEETING AND PROCESS SCHEDULE

Proposed dates to guide the review of the CEO and regular meetings of the CEO PRP.

Target date	Subject	Actions
Thurs 12/4/18, 6-7.30	CEO PRP meeting (formal public meeting)	 Update from CEO on Performance Targets Consider process to be undertaken this year (internal or external) Discuss CEO Performance Review Panel (CEO PRP) Meeting and Process Schedule for 2018 Discuss Proposed CEO Performance Targets for 2018/2019
Tuesday 8 May 2018	Council Workshop	Discuss proposed CEO Performance Targets for July 2018-June 2019 (report to Council for decision in June)
29 May 2018, 6-7.30pm	CEO PRP meeting (formal public meeting)	 Update from CEO on 2017-2018 Performance Targets Recommendation on proposed CEO Performance Targets for July 2018-June 2019 If external, decision on who will facilitate CEO Performance Review for 2017/2018 (confidential report)
30-31 May 2018	If external, advise consultant of Panel decision If internal, prepare review process.	 Executive Manager Organisational Development to advise consultants of decision and appoint consultant Executive Manager Organisational Development prepare review information and meetings to undertake process with the CEO
4-8 June 2018	If external, meet with consultant to prepare for the review process	 Presiding Member (Cr Jan Loveday) and Executive Manager Organisational Development (Megan Sutherland) discuss process and requirements with consultant Discuss the review tool and report format (with CEO and Panel consultation) Discuss the CEO Workshop and briefing of Council and Senior Leaders Consultant to discuss the review tool with the CEO prior to finalising
19 June 2018 (Workshop night)	CEO Performance Review Workshop with Council Members and Senior Leaders	 (CEO, Consultant and Senior Leaders attend Workshop) CEO provides a verbal report on performance against the Performance Targets and position objectives for 2017-2018 to the Council Members and Senior Leaders Consultant introduced to Council Members and Senior Leaders Consultant provides brief on review process commencing, process and timeframes
Tues 26 June 2018	Report to Council	Proposed 2018-2019 CEO Performance Targets



2018 CEO PERFORMANCE REVIEW PANEL MEETING AND PROCESS SCHEDULE

Proposed dates to guide the review of the CEO and regular meetings of the CEO PRP.

Target date	Subject	Actions
Tues 10 July 2018	Due date for responses	All responses using the review tool due to consultant
Fri 20 July 2018	Report completed by Consultant	Results compiled and draft report prepared
Tues 24 July 2018	CEO Debriefed	 Consultant discusses and debriefs CEO on draft performance report CEO provides feedback on the draft report to consultant
Mon 30 July 2018	CEO PRP workshop	 Consultant debriefs the Panel on the Performance Review Report and remuneration benchmarking CEO discusses with panel the draft performance review report (CEO and Consultant attend Panel workshop)
Thurs 9 August 2018, 6- 7.30pm	CEO PRP meeting	 Update from CEO on 2018-2019 Performance Targets Report on CEO Performance and remuneration review CEO advice on remuneration review expectation and any other related matters Panel recommendation to Council on performance outcome and remuneration
Tues 14 August 2018	Council Workshop	Consultant presents the Performance Review Report to Council and Senior Leaders (CEO, Senior Leaders and Consultant attend Council Workshop)
Tues 28 August 2018 (confidential)	Report to Council (confidential item)	Council determines CEO PRP resolution regarding CEO performance and remuneration
PROPOSED DATES AFTER	THE COUNCIL ELECTION AND	FOR THE FIRST MEETING IN 2019
Tues 6 November 2018, 6-7.30pm	CEO PRP meeting	Update from CEO on Performance Targets
Tues 12 February 2019, 6-7.30pm	CEO PRP meeting	 Update from CEO on 2018-2019 Performance Targets Consider process to be undertaken this year (internal or external) Discuss CEO Performance Review Panel Meeting and Process Schedule for 2019 Discuss proposed 2019-2020 CEO Performance Targets

ADELAIDE HILLS COUNCIL CEO PERFORMANCE REVIEW PANEL MEETING Thursday 12 April 2018 AGENDA BUSINESS ITEM

ltem:	8.1
Originating Officer:	Andrew Aitken, Chief Executive Officer
Subject:	Proposed 2017-2018 CEO Performance Targets
For:	Information

SUMMARY

The Employment Agreement (the Agreement) between Council and the Chief Executive Officer (CEO) provides for a performance review process.

The review is to assess the CEO's performance by reference to the Personal Evaluation System (PES) or other rating scale as agreed, contained in the Employment Agreement, against the CEO's duties, position description and performance targets.

The role of the CEO Performance Review Panel (the Panel) includes reviewing the performance of the CEO; in particular the performance against the targets and to undertake a review of the CEO's targets to ensure they remain relevant and aligned to Council's strategic goals.

This report is to provide feedback to the CEO that will assist in further conversations with Council on the proposed performance targets for the 2018/19 financial year. A final decision will be made by Council later in the year through a recommendation from the Panel to the Council.

RECOMMENDATION

The Panel resolves that the report be received and noted.

1. GOVERNANCE

Strategic Management Plan

GoalOrganisational SustainabilityKey IssueGovernance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

Legal Implications

The CEO Performance Review Panel is a Section 41 of Committee of Council under the *Local Government Act 1999.*

This process needs to be undertaken appropriately to ensure the CEO is provided with a fair and consistent approach to determine appropriate performance targets, as the performance targets are used in the annual performance review process that directly affects decisions made in relation to the CEO, his performance and remuneration discussions.

Section 96 (Council to have a chief executive officer) of the Local Government Act 1999

Risk Management Implications

Undertaking regular review of the CEO's performance is an important control mitigating the risk of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence in the organisation.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

Non-achievement of CEO KPIs result in loss of community benefit and/or opportunities and/or stakeholder confidence in the organisation.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

Financial and Resource Implications

Not applicable.

Customer Service and Community/Cultural Implications

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure they are utilised for the best outcomes for the community.

> Environmental Implications

Not applicable.

Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community

Consultation on the proposed Performance Targets has been undertaken with those listed below. Consultation with the Council Members will take place from this recommendation.

Council Committees: Council Workshops: Advisory Groups: Administration:	Not Applicable Not Applicable Not Applicable Chief Executive Officer Director Community and Customer Service Director Strategy and Development Director Engineering and Assets Director Corporate Services Executive Manager Organisational Development Executive Manager Governance and Performance
Community:	Not Applicable

2. BACKGROUND

CEO Performance Review Panel (the Panel)

The Panel Terms of Reference were adopted by Council on 25 July 2017 and state the Panel's specific functions as follows:

SPECIFIC FUNCTIONS

- 2.1 The function of the Panel is to provide advice to Council on the CEO's performance and development, including the following matters:
 - 2.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
 - 2.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
 - 2.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed Performance Targets and position description requirements;
 - 2.1.4 Identifying development opportunities for the CEO; and
 - 2.1.5 Reviewing the remuneration and conditions of employment of the CEO.

CEO Employment Agreement

The CEO's new Employment Agreement commenced on 1 July 2017.

Clause 12 of the Agreement contains the provisions for a performance review process with the following key feature regarding performance indicators:

12.4 The performance review will review the CEO's Position Description and any key performance indictor.

CEO Performance Targets

Preliminary work has been undertaken to develop an appropriate suite of CEO Performance Targets. The Performance Targets have been considered to ensure alignment with Council's Strategic, Corporate and Annual Business Plans.

The proposed suite of Performance Targets for 2018-2019 are attached at *Appendix 1*.

3. ANALYSIS

The suite of Performance Targets for the CEO are used, along with the Position Description, to review his annual performance.

In considering the 2018-2019 CEO's Performance Targets, the Panel may want to consider the degree to which the suite provides:

- an holistic indicator of CEO performance
- clarity in terms of what is to be measured (and what success looks like)
- how it will be measured.

It is also important to ensure the suite of Performance Targets are achievable over that coming year. It is recommended that the Panel, with the CEO, critically analyse the expectations on how many Performance Targets can realistically be achieved over the 12 month period to ensure the CEO and organisation are being set up for success.

4. OPTIONS

The Panel has the following options:

- 1. To discuss this suite of proposed 2018-2019 CEO Performance Targets for Council's feedback. (Recommended)
- 2. To discuss the suite of 2018-2019 CEO Performance Targets as presented with amendments for the Council's feedback.
- 3. To discuss an alternative suite of 2018-2019 CEO Performance Targets with Council, in consultation and agreement with the CEO.

5. APPENDIX

Proposed 2018-2019 CEO Performance Targets

Appendix 1

Proposed 2018-2019 CEO Performance Targets



CEO PERFORMANCE TARGETS 2018-2019

	Target	Strategic Link	Strategic Reference
1.	CWMS Review Provide a recommendation to Council following the EOI process on the future management model for Adelaide Hills Council's Community Wastewater Management System (CWMS).	Strategic Plan	3.5 We will take a proactive approach and a long term view, to infrastructure maintenance and renewal.
2.	Reconciliation Action Plan Establish a Reconciliation Action Plan (RAP) Working Group (comprising Aboriginal people, Council Members and local residents), with its own Terms of Reference, to support the development of our RAP.	Strategic Plan	2.1 We recognise and respect Aboriginal culture and the descendants of our first people. We will implement a Reconciliation Action Plan.
3.	CRM Integration Enhance the use of the Customer Relationship Management system (CRM) by integrating CRM with the asset management software and the call centre software to enable more seamless management of customer enquiries and requests.	Corporate Plan Strategic Plan	23 Improve customer experience interaction by Developing CRM as the first point of call system to manage customer requests, enquiries and feedback. Customer Service Commitment
4.	Recycling/Waste Strategy Develop a strategy to reduce the level of contamination in recyclables collected from kerbside.	Strategic Plan	3.7 We will drive further reduction in waste consigned to landfill.
5.	Customer Experience Survey/Action Plan Undertake a customer experience survey and provide an action plan of identified improvement opportunities.	Corporate Plan Annual Business Plan	Establish regular customer service and experience reporting, as included in the CS (Customer Experience) Action Plan. Customer Experience Survey
6.	Library Services Review Undertake a review of our library services and provide the outcomes of the review with recommendations to Council.	Strategic Plan	2.5 We will support opportunities for learning in our community to increase the confidence, wellbeing and health of our citizens.
7.	Arts & Heritage Hub Provide a status report to Council on the implementation of the Business Development Framework within 6 months of the appointment of the Hub's director.	Strategic Plan	2.4 We will implement the Adelaide Hills Business and Tourism Centre Masterplan to stimulate local job creation, boost tourism and create a vibrant cultural hub.