

CONFIDENTIAL ITEMS 2003 – SEPTEMBER 2011

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachments/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
55	20 Sep 10	Chief Executive Officer – Annual Performance Review	Reason: (a) 2. Pursuant to Section 91(7) (b) That having considered Agenda Item 16.5, in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7)(b) of the Act orders that the 20 September 2010 - report, attachment and minutes Be retained in confidence until 4 September 2012 and that this order be reviewed every 12 months.	Report, Attachments, Minutes	Revoked under delegated authority	Be retained in confidence until 4 September 2012 and that this order be reviewed every 12 months.  The Chief Executive Officer be delegated the authority to revoke all or part of the order and directed to present a report containing the item for which the confidentiality has been revoked.	5 Sept 11	4 Sept 12	25/8/12



**28**      **CONFIDENTIAL REPORTS**

**28.1**      **REPORT TITLE:**      **CONFIDENTIAL ITEM:**  
   **MAYOR'S REPORT CHIEF EXECUTIVE  
   OFFICER'S ANNUAL PERFORMANCE  
   REVIEW**  
**DATE OF MEETING:** **20 SEPTEMBER 2010**  
**FILE NUMBER:**      **TBA**

Moved Councillor Irvine that Council:

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 as amended the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence:
  - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any persons (living or dead.)
2. That Council determine that no officers be permitted to remain in the room.

Seconded Councillor Wilksch and **CARRIED**

**28.2**      Moved Councillor Gamble:

3. That Council note the process and summary outcomes of the Chief Executive Officer's Performance Review for 2010 facilitated by Ms Jane Jeffrey.
4. That Council note the updated Performance Agreement dated 7 September (attachment 1) and the Performance Agreement as originally set for the year ( attachment 2) noting many objectives have been achieved ahead of schedule and that the impact of the Ministerial DPA and associated work has been an additional unforeseen demand.
5. That Council continue support to the CEO in reducing any outstanding leave entitlements as provided for in his contract of employment including annual leave and entitlement to Rostered Days.

6. That the Mayor be authorised to sign the CEO's current contract of employment with the CEO that varies the CEO's total salary package by 4 % effective 1 July 2010 and extend the contract for 12 months.
7. That Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 as amended that the report, attachments and minutes relating to this be kept confidential and that the revocation of confidentiality be delegated to the CEO to determine when there is no legal or commercial need for continued confidentiality, and that this order be reviewed every 12 months.

Seconded Councillor Brazher-Delaine and CARRIED

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MEETING DECLARED CLOSED AT 9.35PM

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MAYOR

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DATE

16. CONFIDENTIAL REPORTS

16.1 REPORT TITLE: CONFIDENTIAL ITEM: MAYOR'S REPORT  
CHIEF EXECUTIVE OFFICER'S ANNUAL  
PERFORMANCE REVIEW

DATE OF MEETING: 20 SEPTEMBER 2010

FILE NUMBER: TBA

Purpose:

For Mayor to report outcomes of the Chief Executive Officer's annual performance review 2010 and seek support for a variation to the Chief Executive Officer's Contract of Employment.

Recommendation:

That Council:

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 as amended the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence:
  - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any persons (living or dead.)
2. That Council determine that no officers be permitted to remain in the room.
3. That Council note the process and summary outcomes of the Chief Executive Officer's Performance Review for 2010 facilitated by Ms Jane Jeffrey.
4. That Council note the updated Performance Agreement dated 7 September (attachment 1) and the Performance Agreement as originally set for the year ( attachment 2) noting many objectives have been achieved ahead of schedule and that the impact of the Ministerial DPA and associated work has been an additional unforeseen demand.
5. That Council continue support to the CEO in reducing any outstanding leave entitlements as provided for in his contract of employment including annual leave and entitlement to Rostered Days.

6. That the Mayor be authorised to sign the CEO's current contract of employment with the CEO that varies the CEO's total salary package by 4 % effective 1 July 2010 and extend the contract for 12 months.
7. That Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 as amended that the report, attachments and minutes relating to this be kept confidential and that the revocation of confidentiality be delegated to the CEO to determine when there is no legal or commercial need for continued confidentiality, and that this order be reviewed every 12 months.

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### Review Process

The CEO Annual Performance Review Process is due no later than 3 September each year. Due to a major overhaul in process and the engagement of a new independent facilitator (Ms Jane Jeffreys) the 2009 formal comprehensive annual review was completed after the due date.

In May 2010 an interim update was provided by Ms Jane Jeffreys who concluded:

#### "CEO Review

1.1 Formal 360° comprehensive formal review of CEO Mr Andrew Stuart was conducted in 2009, and as a result of the feedback a Performance Development Plan was developed.

In May 2010 Jane Jeffreys conducted an interim review of progress against the Performance Agreement (attached).

In interviews with the Mayor and CEO it is evident that good progress has been made in all areas. The Mayor and CEO have met regularly during this time to discuss key issues and monitor progress. The CEO has been proactive and diligent in working on all aspects of the Performance Agreement, including Council, Management and Personal Development areas of the Plan.

The CEO will continue to implement all aspects of the Plan."

Following the recently completed Annual Review August 2010 Ms Jane Jeffrey reports:

#### CEO PERFORMANCE OVER THE LAST 12 MONTHS

##### Overall Performance

Overall feedback providers agree that Mr Stuart has performed well since the last Performance Review, with an improvement noted in all areas. He has shown a concerted effort to focus more

on high level decision making, improved leadership by being less risk adverse, and has shown great commitment in delivering pre-agreed goals in responding to the Ministerial Growth Plan for Mount Barker. He has shown great leadership, high level decision making and commitment to the long term development and sustainability of the District Council of Mount Barker.

The following is a summary of comments relating to Mr Stuart's performance:

- ñ The CEO has made a concerted effort to focus more on high level decision making to respond to the pressures of future development within the area
- ñ He has improved his leadership style in terms of being less risk adverse and his preparedness to take leadership in decision making
- ñ Andrew has improved in all areas
- ñ He has the ability to think on the run
- ñ His management of stakeholder relationships has been exceptional
- ñ External forces are driving the need for the organisation to focus on development, rezoning and infrastructure matters, which is impacting on the ability of Council to deal with other core functions of Council
- ñ I have noted an improved endeavor over the past 12 months towards developing the organisation and its strategic direction
- ñ Andrew was at his best after the last review when he gave himself permission to take time off for a couple of weeks at a time; he needs to continue to do this.

#### SUMMARY

Mr Stuart's performance is rated as performing effectively and consistently. He has improved his performance in all areas since the last review. The findings of this Review will be discussed with Mr Stuart and will form the basis of a revised Performance Agreement.

Last year after consultation with the CEO the adjustment to remuneration was agreed to be 4% - which was less than what was independently advised by experts – but recognised local economic conditions. This year advice suggests about 5% is appropriate given market conditions and the unique complexities associated with District Council of Mt Barker. This year it is proposed that an adjustment of 4 % be proposed that is the same as that in the Councils Enterprise Agreement for staff.

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#### Key Contact

Mayor Ann Ferguson

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# **DISTRICT COUNCIL OF MOUNT BARKER PERFORMANCE AGREEMENT**

Chief Executive Officer  
MR ANDREW STUART

7 September 2010



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## PERFORMANCE CAPABILITIES

Key Result Areas	Objectives	Key Performance Indicators	Date Commenced	Date Completed
Stephenson's Land Master Plan	ñ Develop Master Plan for Stephenson's Land Project.	1. Initial Project Plan developed	12/4 briefing cancelled. D Murray held follow up discussions with CEO led to new strategy; Interviews held with Mayor, EMs to provide status report & seek comments about site and visions for the development. Draft report underway; D Murray currently finishing a review of Facilities & Programs throughout local area, together with Comparative assessment information obtained in terms of quantitative info; Qualitative info not available.	Completed
		2. Concept presented to Council		Completed July 2010
		3. Consultation with Stakeholders		

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Community Consultation	<p>ñ Conclusion of Community Consultation in relation to Town Centre including Civic Centre location.</p>	<p>4. Consultation brief</p> <p>5. Consultation process undertaken</p> <p>6. Project Plan presented to Council</p>	<p>Report to Council 7 June 2010 re community consultation (9 June to 6 August)</p>	<p>Completed July 2010</p> <p>August 2010 delayed TBA</p> <p>December 2010?</p>
Customer Service	<p>ñ Development of structured Framework for Customer Service aimed at raising levels of customer service.</p>	<p>7. Assessment of current processes</p> <p>8. Charter to be developed</p> <p>9. Re-define job roles</p> <p>10. Conduct customer satisfaction survey</p>	<p>Phase 1 - Focus Groups and Internal Customer Service Survey April 2010</p> <p>Phase 2 - Targeted key stakeholder consultation June 2010.</p> <p>Phase 3 - Benchmarking and establishment of a Customer Service Reference Group (June 2010) to analyse benchmark data and provide recommendations</p> <p>Dec 2010</p> <p>Phase 1 - Customer Service Group Planning Day July 2010</p> <p>Phase 2 - JD Statement developed August 2010</p> <p>Phase 1 - Comparative Performance Measurement Community Survey Project</p>	<p>Phase 1 - May 2010 Completed</p> <p>Phase 2 - Oct 2010</p> <p>Phase 3 - Dec 2010</p> <p>In progress</p> <p>Phase 1 - July 2010 In progress</p> <p>Phase 2 - August 2010 In progress</p> <p>Completed</p>

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Organisational Development				June 2010 Phase 2 –External Customer Service Survey (in-house) Oct 2010 Phase 3 - Internal Customer Service Survey Nov 2010 (as per survey conducted May 2010)	Completed
				Phase 1 –Introductory Customer Service Training Completed April 2010 Phase 2 –Targeted training as identified in development of Charter Nov 2010	Completed
				11. Staff Training	Completed
				12. Implement Performance Management for SMG	In progress
				13. Implement Change Management Training Program	Completed
				14. Develop Communication strategies that are relevant for desired audiences	To be done
				15. Oversee development of Marketing Strategy for Council	Draft brief
				16. Staff Survey Conducted	Completed
				17. Develop Senior Managers acting in CEO roles	In progress
				18. Develop a high performing SMG	Phase 2 - TBA

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Personal Development (AS)	Attend AICD Course Plan overseas development trip to view other local Governments	Complete AICD course Development trip taken Take Annual Leave in a block to refresh	Completed	24-28 May 2010 To be taken
Governance	Develop strategies to improve Governance practices	Develop Quarterly reporting scorecard to monitor Strategic Plan Schedule regular meetings with Mayor Provide regular and timely reports to Council	Item 6.3 on CGG agenda – In development (refer Bill Chandler) Occurring weekly (Mondays) Proposed refinements to Council meeting and Agenda Items is work in progress, endorsed by CGG and memo Ems 27/4. Implementation proposed for 21 June 2010	July 2010 Implemented Completed

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# **DISTRICT COUNCIL OF MOUNT BARKER PERFORMANCE AGREEMENT**

Chief Executive Officer  
MR ANDREW STUART

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**PERFORMANCE CAPABILITIES ( NB Major Influences which may give rise to adjustment to this program and requiring to be acknowledged include the State Governments 30 year growth plan , and the anticipated Ministerial DPA)**

<b>Key Result Areas</b>	<b>Objectives</b>	<b>Key Performance Indicators</b>	<b>Date Commenced</b>	<b>Date Completed</b>
<b>Stephanson's Land Master Plan</b>	Develop Master Plan for Stephenson's Land Project.	1. Initial Project Plan developed		January 2011
		2. Concept presented to Council		January 2011
		3. Consultation with Stakeholders		February 2011
<b>Community Consultation</b>	Conclusion of Community Consultation in relation to Town Centre and the Civic Centre location ( these may be two separate projects)	4. Consultation brief		June 2010
		5. Consultation process undertaken		August 2010
		6. Project Plan presented to Council		December 2010
<b>Customer Service</b>	Development of structured Framework for Customer Service aimed at raising levels of customer service.	7. Assessment of current processes		
		8. Charter to be developed		
		9. Initiate a process to re-define job roles		
		10. Conduct customer satisfaction survey		
		11. Staff Training		

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<ul style="list-style-type: none"> <li>Develop a high performing Senior Management Group (SMG - nb SMG now referred to as the Corporate Governance Group CGG )</li> </ul>	<ul style="list-style-type: none"> <li>12. Implement Performance Management for SMG</li> <li>13. Implement Change Management Training Program</li> <li>14. Subject to appropriate Budget funding by Council Develop Communication strategies that are relevant for desired audiences</li> </ul>	May 2010
<ul style="list-style-type: none"> <li>15. Subject to appropriate Budget funding by Council overseas development of Marketing Strategy for Council</li> <li>16. Staff Survey Conducted</li> <li>17. Develop Senior Managers acting in CEO roles</li> </ul>	<ul style="list-style-type: none"> <li>15. Subject to appropriate Budget funding by Council overseas development of Marketing Strategy for Council</li> <li>16. Staff Survey Conducted</li> <li>17. Develop Senior Managers acting in CEO roles</li> </ul>	
<ul style="list-style-type: none"> <li>18. Complete AICD Course</li> <li>19. Development trip taken</li> <li>20. Take Annual Leave in a block to refresh</li> </ul>	<ul style="list-style-type: none"> <li>18. Complete AICD course</li> <li>19. Development trip taken</li> <li>20. Take Annual Leave in a block to refresh</li> </ul>	January 2010
<ul style="list-style-type: none"> <li>Develop Quarterly reporting scorecard to monitor Strategic Plan</li> <li>22. Schedule regular meetings with Mayor</li> <li>23. Provide regular and timely reports to Council</li> </ul>	<ul style="list-style-type: none"> <li>22. Schedule regular meetings with Mayor</li> <li>23. Provide regular and timely reports to Council</li> </ul>	

## Personal Development

## Governance

