

CONFIDENTIAL ITEMS 2003 – SEPTEMBER 2011

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
62	19 Dec 2011	Chief Executive Officer Review	That pursuant to Section 90(2) and 90(3) (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any persons (living or dead.) Section 91(7), (8) and (9) report, attachments and minutes	Report, attachments, minutes	Revoked under delegation	That Council orders that the relating to this be kept confidential and that the revocation of confidentiality be delegated to the Chief executive Officer to determine when there is no legal or commercial need for continued confidentiality, and that this order be reviewed every 12 months.			28/8/12



**55**      **CONFIDENTIAL REPORTS**

**55.1**      **REPORT TITLE:      CHIEF EXECUTIVE OFFICER – ANNUAL  
   PERFORMANCE REVIEW  
DATE OF MEETING:      19 DECEMBER 2011**

Moved Councillor Westwood 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 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 Chief executive Officer to determine when there is no legal or commercial need for continued confidentiality, and that this order be reviewed every 12 months.

Seconded Councillor Irvine and CARRIED

9.00pm      Moved Councillor Bailey that pursuant to regulation 21 of the Local Government Procedures at Meetings Regulations, Council has a short term suspension of normal meeting proceedings to enable a period of informal discussion.

Seconded Councillor Campbell and CARRIED

9.10pm      Moved Councillor Irvine that Council now end the short term suspension of normal meeting proceedings.

Seconded Councillor Westwood and CARRIED

Moved Councillor Corbell that:

4. Council note the process and summary outcomes of the Chief Executive Officer's Performance Review for 2011 facilitated by Ms Jane Jeffrey.
5. That upon the conclusion of the current review of the Strategic Plan a revised set of key objectives be determined to guide the Council in its assessment of the Chief Executive Officer's performance for 2012.

6. That the Mayor be authorised to sign and extend by one year the Chief Executive Officer's current contract of employment which increases the Chief Executive Officer's total salary package of 4.5 % effective 1 July 2011 and removes the Chief Executive Officer's requirement to contribute to vehicle maintenance.

Seconded Councillor Campbell and CARRIED

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MEETING DECLARED CLOSED AT 9.11PM

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MAYOR

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DATE

CONFIDENTIAL

14. RECOMMENDATIONS FROM ADVISORY COMMITTEES  
NIL
15. QUESTIONS ARISING FROM COUNCIL MEETING

## 16. CONFIDENTIAL REPORTS

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

DATE OF MEETING: 19 DECEMBER 2011

FILE NUMBER: TBA

### Purpose:

For Mayor to report outcomes of the Chief Executive Officer's annual performance review 2011 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 2011 facilitated by Ms Jane Jeffrey.
4. That upon the conclusion of the current review of the Strategic Plan a revised set of key objectives be determined to guide the Council in its assessment of the Chief Executive Officer's performance for 2012.
5. That the Mayor be authorised to sign and extend by one year the Chief Executive Officer's current contract of employment which increases the Chief Executive Officer's total salary package of X % effective 1 July 2011 and removes the Chief Executive Officer's requirement to contribute to vehicle maintenance.
6. 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 Chief

executive Officer 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

1. The Chief Executive Officer Annual Performance Review Process is scheduled to conclude no later than 3 September each year.
2. Ms Jane Jeffreys facilitates the review process which includes a 360 degree review. Ms Jeffreys has met/provided the opportunity to meet with Elected Members to discuss any element of the process in addition to the assessment of the Chief Executive Officer's performance.
3. Ms Jeffreys' report has been provided and considered by the review panel consisting of Councillor Campbell, Deputy Mayor Irvine and Mayor Ferguson .
4. Ms Jeffreys' summary and recommendation is provided below:

#### "CEO Review - Summary

##### Future Focus

1. Continue work/life balance
2. How we go about the consultation process will be of continuing importance.
3. Community and cultural development needs to be included in next Strategic Plan with KPIs on performance and reporting by staff against these
4. Keep going on the strategy and see it through
5. Continue as Andrew has been going
6. Managing growth
  - o Leadership
  - o Political
  - o Financial sustainability
7. Stakeholder relations
  - o Good at strategy
  - o Still needs to focus on being available for person to person
8. Continuous development
  - o Continue to undertake programs
  - o Needs to look after his health

9. Continue to handle the pressure well
10. Get senior executive team as close as possible, continue to have different ones act for him whilst he is away
11. Continue good relationship with Mayor; they complement each other
12. We should ensure he stays on
13. Good civic centre is needed
14. Succession plan for Chief Executive Officer; should make sure he records as much of his knowledge as possible
15. Secure site of new Council Chamber – Civic Centre area, work on Master Plan development
16. Continue to ensure he engages trust from others
17. Be out in the community and be more willing to accept their views – not pay lip service to them, he really must listen
18. New General managers are helping with this
19. Has very effective working relationship with Mayor
20. He is smart and does listen
21. Heritage issues not being addressed well enough, i.e. more common sense in planning department
22. Should be more proactive
  - o Partnerships are practical not really proactive
  - o Budget, should go all out to achieve it
  - o Listening skills, good
  - o Communicates to Councillors well
23. Development
  - o Look at what is happening in other Councils

The feedback provided in this review demonstrates a good level of support and recognition for the achievement and endeavour of the Chief Executive Officer during the past year.

It must be recognised that this has occurred in the context of challenges associated with the Ministerial DPA and changes in the Executive Team. He has remained positive and focussed addressing the key strategic issues as well as delivery on operational matters.

Andrew has also made sure that he continues to work on his personal development program which this year included an overseas study tour.



The critical element for Andrew going forward must be the focus on building the capability of Executive and Management;

1. ensuring appropriate stakeholder engagement
2. Master Plan for Council Civic Centre development
3. Time management
4. Ongoing personal development through study/visits to other similar centres and Councils
5. Managing growth

Recommendation: It is recommended that the results of this review be discussed.

5. The review panel has considered the question of remuneration. The Panel notes the following:

- 1) The Chief Executive Officer has met his performance agreement objectives in a competent, professional manner – these were reported to Elected Members via email on 6 May 2011 as background information in advance of Ms Jeffery attending the Mayor's Forum at Auchendarroch House on 9 May 2011 to lead the discussion for the Chief Executive Officer's 2011 performance review. The Chief Executive Officer has also provided a high level of personal input into outcomes in a number of additional matters, for example:

- a. the Adelaide Hills Visitor Information Centre;
- b. the treated waste water pipeline to Callington;
- c. the acquisition of the heritage school at Hahndorf;
- d. the resolution of the long, protracted Hahndorf Academy debt and related matters;
- e. the Ministerial Development Plan Amendment

Issues/Projects currently occupying high level input from the Chief Executive Officer:

- f. Nairne Master Plan;
- g. Mt Barker Centre (Council facilities, hotel accommodation opportunities);
- h. Monarto/Callington precinct in conjunction with Rural City of Murray Bridge;
- i. Adelaide Hills Waste Management Authority land tenure issues;

- j. Long term financial management plan including separate rate proposal; and
  - k. Stephenson Land/golf club precinct
- 2) The Chief Executive Officer's total salary package is below what the market may assess as appropriate to The District Council of Mt Barker (a total remuneration between \$240k to \$250k is considered the market range) as compared to the current total remuneration cost of \$216,320.
  - 3) For the period under review the Adelaide CPI for the period in review was 3.9% and the Enterprise Agreement increase applied to all other ASU employees was 4%.
  - 4) In 2009 after consultation with the Chief Executive Officer the adjustment to remuneration was agreed to be 4% - which was less than what was independently advised - but recognised local economic conditions. In 2010 the evidence suggested 5% was appropriate given market conditions and the unique complexities associated with District Council of Mt Barker, however an adjustment of 4% was determined.
  - 5) In this current review period a minimum adjustment of 4% and removal of the requirement to contribute to vehicle would provide a total remuneration package of \$224,973 which is below the market yet provides a step towards narrowing the gap between actual and market, as noted above.

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Key Contact

Mayor Ann Ferguson