

12.5

**REPORT TITLE: CONFIDENTIAL REPORT –
REVIEW OF CONFIDENTIAL REPORTS**

DATE OF MEETING: 4 SEPTEMBER 2006

AUTHOR: ROS MCDOUGALL

AUTHOR'S TITLE: PERSONAL ASSISTANT TO THE CEO

REPRESENTORS:

FILE NUMBER:

ATTACHMENTS:

DEPARTMENT: CHIEF EXECUTIVE'S OFFICE

**DEPARTMENT
MANAGER:**

PURPOSE

To review the duration of confidential reports to Council 2003 -2006.

RECOMMENDATION

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence information the disclosure of which would on balance be contrary to the public interest.
2. That the Chief Executive Officer, General Manager Development and Technical Services, General Manager Strategy, General Manager Corporate Services, Manager Community Services, Manager Governance and Policy and the Minute Secretary be permitted to remain in the room.

3. That the items listed below have the confidentiality period altered or extinguished as indicated:

DATE CONFIDENTIAL REPORT CONSIDERED BY COUNCIL	SUBJECT OF CONFIDENTIAL REPORT	DATE OF EXPIRATION OF CONFIDENTIAL PERIOD	DATE FOR AGENDA AND MINUTES TO BE EXTENDED, RELEASED, OR REMAIN UNCHANGED
23 July 2003	Cameron Road	4 August 2008	6 Sept 2007
24 Sept 2003	Dunn & Bickle Park	23 Sept 2006	6 Sept 2007
20 Oct 2003	Carparking within the Mt Barker Township	20 October 2008	6 Sept 2007
1 Mar 2004	Paech Road	5 Sept 2006	Release all details
3 May 2004	Mt Barker Caravan Park	5 Sept 2006	Release minutes only
18 May 2004	Report Reviewing Confidential Reports	5 Sept 2006	6 Sept 2007
21 June 2004	Groundwater Assessment for Council Land located at Cameron Road	5 Sept 2006	6 Sept 2007
6 Sept 2004	CEOs Review	16 Dec 2007	No change
11 Oct 2004	Future Landfill Options and Council's Continuing Involvement with Adelaide Hills Region Waste Management Authority	5 Sept 2006	Release all details
7 Feb 2005	Mt Barker Caravan Park	5 Sept 2006	1 January 2007
17 May 2005	Carparking within the Township	5 Sept 2006	6 Sept 2007
20 June 2005	Mt Barker Caravan Park	5 Sept 2006	1 January 2007
15 Aug 2005	Park 'n' Ride	15 Aug 2006	1 January 2007
13 Sept 2005	Review of Confidential Reports	5 Sept 2006	6 Sept 2007
13 sept 2005	Staff Accommodation	5 Sept 2006	6 Sept 2007

4 Oct 2005	State Bicycle Fund Offer	4 Oct 2006	6 Sept 2007
4 Oct 2005	Monarto Quarry Hartley Landfill Site	4 Oct 2006	6 Sept 2007
21 Nov 2005	CEOs Performance Review	21 Nov 2008	No change
5 Dec 2005	Monarto Quarries Board Decisions	5 Dec 2006	No change
16 Jan 2006	Monarto Quarries Site	11 Jan 2007	6 Sept 2007
6 Feb 2006	Strategic Land Purchase - Multi Deck Car Park Regional Town Centre	1 Feb 2007	6 Sept 2007
6 March 2006	Morphett St Drainage	6 March 2007	6 Sept 2007
6 March 2006	Monarto Quarries Draft Business Plan	6 March 2007	6 Sept 2007
18 April 2006	Monarto Quarries Business Plan	18 April 2007	6 Sept 2007
18 April 2006	Staff Accommodation	18 April 2007	6 Sept 2007
1 May 2006	Davken Pty Ltd Spring Park Farm	1 May 2007	No change
1 May 2006	Stormwater Management Policy Framework & Update	1 May 2007	6 Sept 2007
1 May 2006	Mt Barker District Heritage survey and Heritage Plan Amendment Report	Until on interim operation	Until on interim operation
1 May 2006	Future Multi Deck Car Park Regional Town Centre Update Report	1 May 2007	6 Sept 2007
5 June 2006	Developer Contributions	5 June 2007	6 Sept 2007
19 June 2006	Flood Retention Basin	19 June 2007	6 Sept 2007
19 July 2006	Developer Contributions Update	19 July 2007	6 sept 2007
7 August 2006	Developer Contributions – Update Report to Council – Receipt of Submissions from Developers	7 Aug 2007	6 Sept 2007
7 August 2006	Financial Contributions Towards the Morphett Street Stormwater Infrastructure Upgrade	7 Aug 2007	6 Sept 2007
21 August 2006	Land Acquisition – Proposed Freeway Interchange	21 Aug 2007	6 Sept 2007

3. That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports and attachments, minutes relating to this item be kept confidential until 6 September 2007.

released at 3 September 2007 meeting.
4. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

BACKGROUND

Section 91 of the Local Government Act 1999 was reviewed in December 2002 and requires Council to review at least once in every year confidential orders that are for a period exceeding 12 months.

DISCUSSION

The table above indicates all existing confidential items from January 2003 until the end of August 2006. This provides an opportunity to reduce or extend the period of confidentiality.

POLICY IMPLICATIONS

1. **Financial/budget**
n/a

2. **Legal**

The Act requires a review of all confidential items with a time limit of greater than 12 months.

3. **Staffing/Work Plans**

This review does not affect staff work plans.

4. **Environmental**
n/a

5. **Social**
n/a

6. Strategic Plans

Goal 6 – Council will promote and conducts its core business in an ecologically sustainable, informative and accountable manner.

COMMUNITY CONSULTATION

- 1. Customer Needs Analysis**
n/a
- 2. Promotion/Communications**
n/a

12.6 **REPORT TITLE: CONFIDENTIAL REPORT – CEO’S REVIEW**

DATE OF MEETING: 4 SEPTEMBER 2006

AUTHOR: TONY WALES

AUTHOR’S TITLE: MAYOR

REPRESENTORS:

FILE NUMBER:

ATTACHMENTS:

DEPARTMENT:

DEPARTMENT
MANAGER:

PURPOSE

To seek Council endorsement of the variations to certain provisions of the Chief Executive Officer’s employment contract.

RECOMMENDATION

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 matters regarding an employee of Council..
2. That Council determine that no Officers be permitted to remain in the room.
3. That the Mayor be authorised to sign a contract of employment with the CEO that incorporates the following:
 - 3.1 The CEO’s total remuneration package be \$175,000 effective 1 July 2006;
 - 3.2 That the 3 year term of the CEO’s contract be maintained by amending the commencement date to read 4 September 2006 and the expiration date to read 16 December 2009.

- 3.3 That the following broad objectives nominated by Council be confirmed, including:
- a) By 30 June 2007 provide a report to Council that proposes a long term solution for appropriate Council staff accommodation and any short term needs associated with growth. The report should address the budgetary and funding considerations associated with the proposal(s).
 - b) That the CEO address Council's perceived need for an identified Deputy for him in the event of his absence or illness.
3. That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 as amended that the report, attachment and minutes relating to this be kept confidential until 21 November 2009. released at 3 September 2007 meet
4. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

BACKGROUND

The CEO, Mr Andrew Stuart, was appointed and took up his position in September 2001. His present contract of employment, "the Agreement" provides for a term of three years expressed to commence on 3 September 2005 and expire on 16 December 2008 unless earlier terminated in accordance with the terms of the Agreement. (clause 2. 1).

In accordance with section 6 of the Agreement his performance shall be reviewed no later than 3 September each year by a committee of Council members. The review shall be conducted in accordance with a Performance Evaluation system set out in clause 6.3. The evaluation of performance is to be conducted against Key Performance Indicators set out at Schedule 3 and measured against any Strategic Performance Objectives contained in Schedule 2.

So far as is relevant to this report, by clause 6.3 the CEO's performance shall be reviewed by a committee of Council using the services of a mutually agreed external consultant. The committee shall comprise the Mayor and two other Councillors; one chosen by the CEO. His Position Description, Key Performance Indicators and Strategic Performance Objectives may be amended by agreement after each performance review.

For the years 2002-3 and 2003-4 Henders Consulting were retained as consultants to undertake the review in conjunction with the Council committee. In 2004 – 5 by agreement with the CEO the Council committee conducted the review "in house" using the process that had been used by Hender's in the years before.

For reasons set out in the discussion below, and by agreement with the CEO, it is intended that no formal performance review will be conducted for 2005 – 6 and Andrew's contract will simply be extended by one year with amendments to the term, his salary and allowances and the broad objectives the Council sets for him each year.

In accordance with clause 12.2 variation of the Agreement to allow for amendment of contract provisions without formal performance evaluation will be agreed in writing.

DISCUSSION

In a memorandum addressed to the Mayor dated 18 July 2006 the CEO drew attention to the requirement that his performance review should be completed by September each year.

He asked that, in view of the Council workload expected during August and September concerning the Residential PAR and related matters followed by Council elections that the need for attention to the review be raised with Council members.

On 21 July 2006 the Mayor circulated a memorandum to all Council members containing a proposal to proceed to variation of the contract without formal performance review for 2005-6. Conditions relating to salary and allowances and amendment to the dates of the dates of commencement and termination were proposed. The variation concerning performance review needs to be by written agreement between Council and the CEO.

Members of Council were in general agreement with the proposal. The Mayor then consulted the CEO and he verbally agreed that in the circumstances variation of his contract could proceed in the manner proposed for the year 2006 – 7.