

1. Ombudsman SA – Preliminary Investigation of Complaint - Continued

Moved Cr. Nickolls/Seconded Cr. Toogood that Council advises the Ombudsman that it has no matters to be noted by the Ombudsman other than Council correspondence forwarded directly with him by the Chief Executive Officer in response to the Works Manager's request relating to the Ian Farley complaint.

CARRIED.

Moved Cr. Pfeiffer/Seconded Cr. Sexton that under the provisions of the Section 91(7) of the Local Government Act, 1999 having considered this agenda item in confidence under Section 90 (2) and (3)(g) of Act the Council orders that the item and the minutes relating to the matter be retained in confidence until the 14th December 2011 Council meeting and that this order be reviewed every 12 months.

CARRIED.

2. December 2010 Mid Term Chief Executive Officer's Performance Review Report

In accordance with Section 83(5) I indicate that if the Council so determines the item may be considered in confidence 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 person (living or dead)"

INTO CONFIDENCE.

Moved Cr. Sexton/Seconded Cr. Dunsford that:-

a) pursuant to Section 90(2) of the Local Government Act, 1999, an order be made that the public, except the Acting Chief Executive Officer and Minute Secretary be excluded from attendance at the meeting for the Council to discuss this matter in confidence.

b) That Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the item at the meeting on the following grounds; Section 90 (3) (a) of the Act, information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

c) The Council is satisfied that on this basis the principle that the meeting be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED.

Attached as Appendix A is the Chairperson's (Councillor Brian Toogood) of the CEO Performance Review Committee reported entitled "An Overview of the CEO Performance Appraisal" as per Council's decision at the Special Council Meeting held on the 15th December, 2010 as follows:-

"Moved Cr. Pfeiffer/Seconded Cr. Dunsford that the December Mid-term Chief Executive Officer Performance Review Report be tabled at the January 2011 Council meeting.

CARRIED."

Moved Cr. Sexton/Seconded Cr. Dunsford that the Chairperson's (Councillor Brian Toogood) of the CEO performance Review Committee reported entitled "An Overview of the CEO Performance Appraisal" be received (attached as Appendix A)

CARRIED.

Moved Cr. Sexton/Seconded Cr. Toogood that under the provisions of the Section 91(7) of the Local Government Act, 1999 having considered this agenda item in confidence under Section 90 (2) and (3)(a) of Act the Council orders that the item and the minutes relating to the matter be retained in confidence until the 14th December 2011 Council meeting and that this order be reviewed every 12 months.

CARRIED.

CONFIDENTIAL ITEMS – JANUARY 2011

APPENDIX A

AN OVERVIEW OF THE CEO PERFORMANCE APPRAISAL

Performance reviews are intended to be a constructive process that allow the Council's Review Committee to view the CEO's performance objectively. This committee reviews the CEO's job description to be appraised against the job descriptions that form part of their employment contracts. The review is a two-way process: most CEOs value feedback on their work, while the appraisal also allows the CEO the opportunity to identify ways in which the Committee can assist the CEO to be more effective.

In the case of the CEO's performance review, it must remain strictly confidential between the Council and the CEO, with copies of the review retained by the council, and copies to elected members and the CEO only. The terms of reference for the review, including criteria and measures against which performance is to be evaluated, are developed in consultation with the CEO and should have the approval of Council. The terms of reference for the review are subject to Council's disciplinary procedures, including warning and dismissal procedures that are part of all employment contracts with the organisation. (Criteria are kept to a minimum to ensure the scope can be sufficiently broad to accommodate wide-ranging matters. Measures can also be kept to a minimum, such as: Exceeds expectations; Satisfactory; Needs some improvement; Highly unsatisfactory).

Reviews normally occur annually or as stated in the employment contract, conducted by a panel that should consist of the Chair and members of Council as appointed. Unless there are grounds for seeking input from outside sources, input would usually only be sought from the CEO and from the rest of the committee prior to meeting with the CEO.

Conclusion

As chair of this committee I believe that the committee should be reduced to 5 or 6 members, including the chair and not full Council as it currently stands. This provides a more cohesive group to conduct reviews objectively. It may also be appropriate to review the need for two mid year term reviews and consider only one midyear review. Council can at anytime require the Committee to conduct a review of the CEO should the circumstances require this to occur.

COMMENTS ON THE CEO'S REVIEW PROCESS

Leadership:

It has been observed that the last few months there has been improved skills that has saved Council costs from the successful grants applications eg. Strengthening Basic Communities (SBC) and Waste Water Compliance. Furthermore it has been noted that the process introduced during the "Caretaker Mode" was a success from a LG perspective.

General Management:

It was noted that the Boundary Alignment Review was handled well in view of the complaints that were more related to what occurred in the past, however it was important to move forward with views noted to action in the future. The handling of the proposed Industrial Land at Pinnaroo has been thus far been positive and proceeding along the path from a positive perspective.

Strategic Planning:

It has been noted of the SBC and the non-compliance of CWMS at Lameroo to the current standards, furthermore an excellent job towards future planning eg. Obtain extra water for Pinnaroo Golf Club and School as a result of Council's water saving measures.

Communication:

A good communicator and this is evident by the work proposed on the sale and promotion of the Lameroo Lakeside Caravan Park and the placement of signs where council has contributed to infrastructure improvements.

Relationship with Council:

Due to personalities and ongoing disagreements with certain members of Council, it has been difficult to have a positive outlook, however I believe things are improving though.



Customer Service:

High rating for answers to questions on notice in Council's agenda, a good listener to ratepayers requests and prepared to go out of his way to hear criticism of Council and offer explanations.

Attempts to respond in a timely manner and did a good job in attempting to solve Geranium's Group expectations. Services has increased 3 fold and pot hole roads have been improved accordingly.

Financial Management:

The CEO should be congratulated for bringing Council's debt into the open through the media for all to view after the initial concerns about Council debt being raised by Corey Blacksell. Just goes to show that he has the confidence and integrity to discuss this matter in the public arena and provides an opportunity for the ratepayers to discuss options with members of Council.

Human Resources Management:

It has been noted that staffing arrangements has occurred that will position Council with sound staffing arrangements, taking into affect maternity leave impacts and staff work tenures. The EBA has been negotiated with the outdoor staff for the next 3 years with good outcomes for both parties.

Relationship with the Mayor:

To reflect on the above matter with the past Mayors have been productive and it would appear that good relationships endured during their terms.

However the current working environment has the scope to be strained and this could be the result of personality clashes. It is important, essential and imperative that we need to put aside our personal differences and to focus on the positives of ensuring that we as a Local Government Authority operate accordingly. We need to portray a united front to ensure that the working of Council meet the provisions of the Local Government Act. This can be achieved by referring all members to their Governance Manuals to ensure that we do not breach and provisions of the LG Act.

PROJECT MANAGEMENT:

- Pinnaroo Wetlands – in the hands of the committee and proceeding towards a desired outcome
- Pinnaroo Industrial Land - on track and meeting the provisions of the Development Act.
- Pinnaroo Show Society Land – an excellent outcome and it is noted that this has been an ongoing problem for a number of years with no success.
- Lameroo CWWMS – proceeding in process

CEO SKILLS/CHARACTERISTICS	Committee	CEO
Leadership	3.75	4
General Management	3.66	4.2
Strategic Plan	4.06	4.8
Communication	3.85	4.2
Relationship with Council	3.58	4
Customer Service	3.93	4.2
Financial Management	3.65	4
Human Resource Management	3.76	4.2
Relationship with Mayor	3.2	3.5
<u>Total</u>	<u>33.44</u>	<u>36.9</u>
Total %	<u>74.2%</u>	<u>82%</u>

Recommendation:

That the report be received.

Brian Toogood
Chair
CEO Performance Review Committee
20 December 2010

