

Agenda

Council Meeting

Monday, 29th November 2021

Commencing at 6.30pm

via the Zoom platform and live streamed

kingston.vic.gov.au

Peter Bean
Chief Executive Officer
Kingston City Council

community inspired leadership



City of
KINGSTON

ACKNOWLEDGEMENT OF COUNTRY

The City of Kingston proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respect to their Elders, past and present and emerging.

Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.

Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island elders who have guided and continue to guide the work we do.

Notice is given that a Meeting of Kingston City Council will be held at 6.30pm on Monday 29 November 2021 via the Zoom platform and live streamed.

1. Apologies

2. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.

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 - Appendix 1 Response Schedules - ~ Independent Member of CEO Employment Matters Committee
- 3.1 Appointment of the Independent Member to the Chief Executive Officer Employment Matters Committee
 - Appendix 2 Independent Member of CEO Employment Matters Committee further material
- 3.2 Appointment of a Consultant to Support the Chief Executive Officer Employment Matters Committee
 - Appendix 1 Evaluation Scoring Matrix - Consultant to the CEO Employment Matters Committee

3. Corporate Services Reports

29 November 2021

Agenda Item No: 3.1

APPOINTMENT OF THE INDEPENDENT MEMBER TO THE CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS COMMITTEE

Contact Officer: Patrick O'Gorman, Governance Officer

Purpose of Report

In accordance with the CEO Employment and Remuneration Policy, this report provides a recommendation to appoint the preferred candidate as the independent member to the Chief Executive Officer (CEO) Employment Matters Committee.

Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

RECOMMENDATION

That Council appoint Ms. Topsy Petchey as the Independent Member to the CEO Employment Matters Committee for a period of 12 months.

1. Executive Summary

Following the adoption of the CEO Employment and Remuneration Policy (the Policy) at the October Council Meeting, the CEO Employment Matters Committee (the Committee) recommends Ms. Topsy Petchey to be appointed as the Independent Member of the Committee.

The Independent Member is suitably qualified and skilled in areas including employment law, local government and performance management of executive level staff.

The Independent Member will provide impartial perspectives, insights and advice to the Committee for the employment and ongoing management of the CEO.

The Independent Member will not have voting rights on the Committee.

2. Background

At the October Council Meeting, it was resolved:

That Council:

- 1. Adopt the Chief Executive Officer Employment and Remuneration Policy contained in Appendix 1;*
- 2. Establish the CEO Employment Matters Committee in accordance with the Chief Executive Officer Employment and Remuneration Policy;*
- 3. Appoint the Mayor, Deputy Mayor, Cr Davies and Cr Oxley to the CEO Employment Matters Committee for 2021/22*
- 4. Note:*

- a) *The CEO Employment Matters Committee will recommend to Council the preferred candidate for the appointment of Independent member of the Committee (in accordance with Clause 5.2.2 of the Policy)*
- b) *The CEO Employment Matters Committee will recommend to Council the preferred independent professional consultant to support the Council with regard to the employment and management of the CEO (in accordance with Clause 5.1 of the Policy).*

This report responds to part 4 (a) of the resolution.

3. Discussion

3.1 Council Plan Alignment

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Hold ourselves to the highest standard of governance and integrity.

In line with being an accountable organisation, the appointment of an independent member provides an added level of balance to considerations regarding the management of the CEO.

3.2 Consultation/Internal Review

A Request for Quote was issued to one candidate only, Ms. Topsy Petchey. The appointment is for 12 months and the estimated total amount of expenditure will be less than \$5,000. Council's procurement policy requires only one quotation for expenditure less than \$5,000.

Ms. Petchey has been actively involved in local government and has been working with many Councils across the state. Since retiring from Council in 2008, Ms. Petchey has been assisting and advising Councillors with their Chief Executive Officer's Annual Performance and Remuneration Reviews, developing and setting agreed performance criteria (KPIs) as well as contractual processes including recruitment and reappointment procedures.

Ms. Petchey has also recently been appointed as the as the Independent Chairperson of Council's CEOs Employment Matters Committee at Bayside City Council.

Given Ms. Petchey's extensive experience in local government and with Kingston City Council, the Committee was unanimous in recommending her to be appointed to the role of the Independent Member.

3.3 Operation and Strategic Issues

3.3.1 Purpose of the Committee

The purpose of the Committee is to oversee the implementation of the Policy.

The Committee is advisory in nature only and has no delegated decision-making power or authority. The Committee will provide regular advice and recommendations to enable Council to make decisions in relation to the matters included in this Policy.

The Committee is to be established at the commencement of the CEO's recruitment process. The Committee shall operate in accordance with the Council resolution and the Committee Procedures and Operations contained in the Policy.

Support to the Committee will be provided by the General Manager Corporate Services, who in collaboration with the independent professional consultant, the Manager Governance and the Executive Manager Legal as required, will ensure the following support is provided to the Committee:

- co-ordinating meetings of the Committee;
- preparing relevant documentation including reports to Council and contractual documents;
- procuring independent legal advice on contractual or employment matters at the request of the Committee; and
- maintaining appropriate records regarding performance reviews.

3.3.2 Tenure

It is recommended that the appointment be made for 12 months, beginning in December 2021.

4. Conclusion

4.1 Environmental Implications

Not applicable.

4.2 Social Implications

Not applicable.

4.3 Resource Implications

The Independent Member of the Committee will be remunerated by Council for their services in accordance with the Policy. The appointment is for 12 months and the estimated total amount of expenditure will be approximately \$5,000 excluding GST.

4.4 Legal / Risk Implications

Not applicable.

Appendices

Appendix 1 - Response Schedules - ~ Independent Member of CEO Employment Matters Committee (Ref 21/309477) - Confidential

Appendix 2 - Independent Member of CEO Employment Matters Committee further material (Ref 21/309475) - Confidential

Author/s:

Patrick O'Gorman, Governance Officer

Reviewed and Approved By:

Phil DeLosa, Manager Governance

Tony Ljaskevic, General Manager Corporate Services

29 November 2021

Agenda Item No: 3.2

APPOINTMENT OF A CONSULTANT TO SUPPORT THE CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS COMMITTEE

Contact Officer: Tony Ljaskevic, General Manager Corporate Services

Purpose of Report

In accordance with the CEO Employment and Remuneration Policy, this report provides a recommendation to appoint the preferred consultancy to support the Chief Executive Officer (CEO) Employment Matters Committee.

Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

RECOMMENDATION

That Council appoint Sal Corporation Pty Ltd as the preferred consultancy to support the Chief Executive Officer (CEO) Employment Matters Committee for a period of up to 5 years (minimum of 3 years with an additional 2 year option). The appointment will commence in December 2021.

1. Executive Summary

Following the adoption of the CEO Employment and Remuneration Policy (the Policy) at the October Council Meeting, the CEO Employment Matters Committee (the Committee) recommends Sal Corporation Pty Ltd be appointed as the consultancy to support the Committee in accordance with section 5.2 of the Policy.

Support to the Committee will be provided by the General Manager Corporate Services, who in collaboration with the professional consultant, the Manager Governance and the Executive Manager Legal as required, will ensure the following support is provided to the Committee:

- Co-ordinating meetings of the Committee;
- Preparing relevant documentation including reports to Council;
- Procuring independent legal advice on contractual or employment matters at the request of the Committee; and
- Maintaining appropriate records regarding performance reviews.

A Request for Quote for support services was publicly advertised on October 16th 2021 and closed on October 28th 2021. Three separate submissions were received. The Committee met on Monday 22nd of November to discuss and assess the submissions. The Committee unanimously assessed Sal Corporation Pty Ltd as the preferred supplier.

2. Background

At the October Council Meeting, it was resolved:

That Council:

1. *Adopt the Chief Executive Officer Employment and Remuneration Policy contained in Appendix 1;*
2. *Establish the CEO Employment Matters Committee in accordance with the Chief Executive Officer Employment and Remuneration Policy;*
3. *Appoint the Mayor, Deputy Mayor, Cr Davies and Cr Oxley to the CEO Employment Matters Committee for 2021/22*
4. *Note:*
 - a) *The CEO Employment Matters Committee will recommend to Council the preferred candidate for the appointment of Independent member of the Committee (in accordance with Clause 5.2.2 of the Policy)*
 - b) *The CEO Employment Matters Committee will recommend to Council the preferred independent professional consultant to support the Council with regard to the employment and management of the CEO (in accordance with Clause 5.1 of the Policy).*

This report responds to part 4 (b) of the resolution.

3. Discussion

3.1 Council Plan Alignment

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: hold ourselves to the highest standard of governance and integrity

In line with being an accountable organisation, the appointment of a professional consultant provides an added level of balance to considerations regarding the management of the CEO.

3.2 Consultation/Internal Review

A Request for Quote for consultancy and support services was publicly advertised on October 16th 2021 and closed on October 28th 2021. Three separate submissions were received. The Committee met on Monday 22nd of November to discuss and assess the submissions. The Committee unanimously assessed Sal Corporation Pty Ltd as the preferred supplier.

The Committee undertook a review of the applications and considered the preferred candidate to possess the specific expertise and qualifications required under the Policy. Sal Corporation's submission and service offering is detailed and of high quality when compared to the other submissions.

The Committee scored the submissions resulting in Sal Corporation obtaining the highest final score. The evaluation scores are summarised below:

	Melbourne HR Pty Ltd	McArthur Management Pty Ltd	Sal Corporation Pty Ltd
Total Score	69%	79%	81%

3.3 Operation and Strategic Issues

3.3.1 Purpose of the Committee

The purpose of the Committee is to oversee the implementation of the Policy. The Committee is advisory in nature only and has no delegated decision-making power or authority. The Committee will provide regular advice and recommendations to enable Council to make decisions in relation to the matters included in this Policy.

The Committee is to be established at the commencement of the CEO's recruitment process. The Committee shall operate in accordance with the Council resolution and the Committee Procedures and Operations contained in the Policy.

The Committee will also have an Independent Member. The Independent Member is suitably qualified and skilled in areas including human resources and/or employment law, government and performance management of executive level staff.

It is anticipated that the Independent Member will provide impartial perspectives, insights and advice to the Committee for the employment and ongoing management of the CEO. The Independent Member will not have voting rights on the Committee.

3.3.2 Tenure

It is recommended that the appointment be made for up to 5 years, with a minimum of three years and an optional additional two years. This will begin in December 2021.

4. Conclusion

4.1 Environmental Implications

Not applicable.

4.2 Social Implications

Not applicable.

4.3 Resource Implications

The Independent member of the Committee will be remunerated by Council for their services in accordance with the Policy.

Sal Corporation Pty Ltd has provided a schedule of rates and an estimated cost based on the specified number of CEO Employment Matter Committee meetings which includes workshops, quarterly meetings, and annual reviews. The total cost is estimated at \$87,500 excluding GST over 5 years.

4.4 Legal / Risk Implications

Not applicable.

Appendices

Appendix 1 - Evaluation Scoring Matrix - Consultant to the CEO Employment Matters
Committee (Ref 21/309674) - Confidential

Author/s: Tony Ljaskevic, General Manager Corporate Services
Reviewed and Approved By:

4. Confidential Items

4 Confidential Items

This information is confidential information under section 3(1) of the *Local Government Act 2020* and therefore suitable for consideration in closed session. In accordance with the *Local Government Act 2020*, Council may resolve to consider these items in open or closed session.

4.1 Property Matter

Agenda item 4.1 *Property Matter* is designated confidential because:

- it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies, and because it is private commercial information, being information provided by a business, commercial or financial undertaking (section 3(1)(a), (e) and (g)), and
- the subject matter of this report includes commercial property information relating to ongoing business and legal information that if made public at this time may jeopardise the interests of the owner of the subject property and Council.

Confidential Appendices

3.1 Appointment of the Independent Member to the Chief Executive Officer Employment Matters Committee

Appendix 1, Response Schedules - ~ Independent Member of CEO Employment Matters Committee is designated confidential as it relates to (s3(1)(f))

3.1 Appointment of the Independent Member to the Chief Executive Officer Employment Matters Committee

Appendix 2, Independent Member of CEO Employment Matters Committee further material is designated confidential as it relates to (s3(1)(f))

3.2 Appointment of a Consultant to Support the Chief Executive Officer Employment Matters Committee

Appendix 1, Evaluation Scoring Matrix - Consultant to the CEO Employment Matters Committee is designated confidential as it relates to (s3(1)(g(ii)))

RECOMMENDATION

That in accordance with section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

4.1 Property Matter

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because:

- it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies, and because it is private commercial information, being information provided by a business, commercial or financial undertaking (section 3(1)(a), (e) and (g)), and
- the subject matter of this report includes commercial property information relating to ongoing business and legal information that if made public at this time may jeopardise the interests of the owner of the subject property and Council.

Confidential Appendices

- 3.1 Appointment of the Independent Member to the Chief Executive Officer Employment Matters Committee
Appendix 1, Response Schedules - ~ Independent Member of CEO Employment Matters Committee**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f).
- 3.1 Appointment of the Independent Member to the Chief Executive Officer Employment Matters Committee
Appendix 2, Independent Member of CEO Employment Matters Committee further material**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f).
- 3.2 Appointment of a Consultant to Support the Chief Executive Officer Employment Matters Committee
Appendix 1, Evaluation Scoring Matrix - Consultant to the CEO Employment Matters Committee**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g(ii)).