

CEO Performance Review Committee Terms of Reference

Endorsed 13 December 2022

1. Establishment of the CEO Performance Review Committee

Pursuant to Section 41 of the *Local Government Act 1999* (the **Act**) the Council establishes a Committee to be known as the CEO Performance Review Committee (the **Committee**) for the purpose of undertaking periodic reviews of the Chief Executive Officer's performance against Key Performance Indicators set by Council.

2. Delegation of the Committee

2.1 The Committee is charged with;

2.1.1 Conducting an annual review of the CEO's performance with due regard to the contract of employment, performance measures and procedures contained therein; and

2.1.2 In consultation with the CEO, suggesting to Council any additional performance indicators that Council may wish to apply in the near future.

2.2 The Committee has the following delegations from the Council to;

2.2.1 Expenditure of up to \$5,000 recurrent annual budget relating to the engagement of a qualified independent person, as required by Section 102A of the *Local Government Act 1999*;

2.2.2 Seek written appraisals from Elected Members on the CEO's Performance;

2.2.3 Provide a report on annual assessment of the CEO's performance; and

2.2.4 Provide a report on recommended Key Performance Indicator's for the CEO.

2.3 All other decisions of the Committee will constitute recommendations to the Council.

2.4 The Committee is delegated the power to adopt its own minutes.

- 2.5 The Committee shall act at all times in strict accordance with relevant legislation (being the Local Government Act 1999 and associated regulations) and with written policies, guidelines and protocols of the Council which are relevant to the Committee in the performance of its functions.

3 Membership

- 3.1 Membership of the CEO Performance Review Committee shall consist of the following members:
- Mayor; and
 - Up to four (4) other Council Members.
- 3.2 The Mayor shall be the Presiding Member (or Chair) of the Committee.
- 3.3 As per 102A of the *Local Government Act 1999* the Committee must obtain and consider the advice of a qualified independent person for the purpose of any review, as such an independent member will be appointed in an advisory role.

4 Meeting Times

The Committee shall hold its first meeting at a date and time to be determined by the CEO in consultation with the Presiding Member and shall meet thereafter as determined by the Committee.

5 Meeting Procedures, Minutes and Documents

- 5.1 The Committee shall conduct its meetings in accordance with Part 3 of the Local Government (Procedures at Meetings) Regulations 2013.
- 5.2 The Committee shall act at all times in strict accordance with relevant legislation (being the Act and the Meeting Regulations) and with written policies, guidelines and protocols of the Council which are relevant to the Committee in the performance of its functions.
- 5.3 Ordinary meetings of the Committee will be held in the Council Offices or at such other places as the Committee may, from time to time determine.
- 5.4 A quorum for a meeting of the Committee shall be half plus one member(s) of the Committee.
- 5.5 All decisions of the Committee shall be made on the basis of a majority decision of the members present.

6. Meeting Cancellation

- 6.1 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorized to cancel the respective committee meeting if it is clear that there is no business to transact for that designated meeting.

- 6.2 Members are to be advised as soon as possible and not less than 24 hours before the Scheduled meeting. Advice of the same should be posted on the Council’s website.

7. Conduct and Disclosure of Interests

- 7.1 Members of the Committee must comply with the conflict of interest provisions of the Local Government Act 1999, in particular Sections 62 (general duties), 63 (code of conduct) and 73-74 (conflict of interest, members to disclose interests) must be adhered to.
- 7.2 Members of the Committee must comply with the Code of Conduct for Council Members and Chapter 5 Part 4 of the Local Government Act 1999 relating to Conduct and Disclosure of Interests.

8. Secretarial Resources

- 8.1 The Chief Executive Officer shall provide an Executive Officer and a Minute Secretary to the Committee to enable it to adequately conduct its meetings
- 8.2 In the event a separate Executive Officer or Minute Secretary is unavailable the Presiding Member will appoint a Member of the Committee as Minute Secretary for that Meeting.

9. Reporting Requirements

- 9.1 Minutes will be kept of the proceedings at each Committee meeting. Members will be provided with a copy of all minutes of the proceedings of the Committee within five (5) days after a meeting.
- 9.2 Pursuant to Section 41(8) of the Act all decision of the Committee (with the exception of those decision made under delegated authority) will be referred to the Council as recommendations of the Committee
- 9.3 The Committee shall make whatever recommendations to the Full Council it deems appropriate on any area within its Terms of Reference.

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