

Chief Executive Officer Performance Management Committee

Terms of Reference

Preamble

A Committee of Council may be established by resolution of the Council.

A Committee is established for the purpose of assisting the Council in the performance of its functions, inquiring into and reporting to the Council on matters within the ambit of the Council's responsibilities, providing advice to the Council and to exercise, perform or discharge delegated powers, functions or duties of the Council.

The establishment of a Committee does not derogate from the power of the Council to act in a matter.

1. Specific purpose of the Committee

The Chief Executive Officer Performance Management Committee aims to ensure a high standard of leadership is provided by the Council's Chief Executive Officer (CEO) by conducting effective performance management and recruitment processes and providing advice to Council on related matters.

The Committee is also charged with the responsibility to provide guidance and support to the Chief Executive Officer for the performance of his duties and to provide formal and informal feedback.

The following are the functions that the Chief Executive Officer Performance Management Committee has:

Performance

- Appointing an independent advisor to assist in the CEO performance appraisal process.
- Developing performance management measurements for the following performance (financial) year, which will be agreed between the CEO and the Committee.
- Reviewing the performance of the Chief Executive Officer.
- Developing a Learning and Development Plan to facilitate the CEO's continued professional growth and performance development.
- Utilising all reasonable endeavours to gather stakeholder feedback to inform the performance management process, including feedback from elected members.
- Reviewing the remuneration level of the Chief Executive Officer.

- Considering, investigating and making recommendations to Council on any matter arising from the review or as from time to time may be required in accordance with the Chief Executive Officer's employment contract.
- Receiving six monthly updates on the performance of the CEO against the performance management measurements.

Recruitment (in the event of a current or impending CEO vacancy)

- Identifying and recommending to Council a suitable candidate to act as an interim Chief Executive Officer until a permanent replacement is found to fill the position, pursuant to section 98(2) of the *Local Government Act 1999*.
- The engagement of an appropriate independent consultancy to manage the recruitment process for the position of Chief Executive Officer in accordance with Council's Procurement Policy.
- Ensuring invitations for "applications by advertising in a newspaper circulating throughout the State" are issued in accordance with section 98 (3) of the *Local Government Act 1999*.
- The Committee (or a sub-committee) acting as the "selection panel to assess applications for the position of Chief Executive Officer:
 - to recommend re-advertisement or other additional steps (if necessary), and
 - to make recommendations to the Council on an appointment, regarding the position of CEO in accordance with section 98 (4) of the *Local Government Act 1999*.

The Committee may at any time make recommendations to the Council to amend these Terms of Reference when the Committee forms the opinion that such amendments are necessary for the better operation of the Committee in the performance of its role.

Matters related to the functions of the Committee may be referred to the Committee by Council. Conversely, the Committee may wish to not exercise its delegated authority and refer matters to Council for decision.

2. Delegations

The Committee has delegated authority to:

- Determine the appointment of the Independent Advisor to the Committee (such that an Independent Advisor must be an external contractor with no current contractual relationship with the administration of the Council and must have a demonstrated capability in the areas of executive human resource performance management)
- Approve changes to the CEO's position description.
- Determine the structure of and conduct the CEO annual performance management process (which includes the performance review and the remuneration review processes).
- Determine the structure of and conduct of the annual CEO remuneration review (including consideration of any amendment in associated benefit payments).
- Determine the structure of and undertake any required CEO recruitment processes with the view to forming a recommendation to Council for decision of the appointment of a CEO.

- Request the Responsible Officer to engage Council's legal counsel to liaise with the Chairperson for the purposes of providing advice to the Committee on matters pertaining to the CEO Performance Review or CEO employment contract (with the Chairperson being responsible for communicating any instructions/requests to legal counsel through the Responsible Officer).
- Request the Responsible Office to action the engagement of an Independent Advisor skilled in the area of performance management for comparable CEO roles to assist the Committee in its functions and responsibilities in relation to the performance management and remuneration review processes.
- Request the Responsible Office to action the engagement of any other suitable consultants or advisors to the Committee, as the Committee reasonably requires, to assist it in its functions and responsibilities.
- Seek any information it requires from the CEO in order to perform its duties.
- Form sub-committees of the Committee, as it deems necessary.
- Determine if an item should be considered in confidence.
- Approve minutes as a true and accurate record of proceedings.
- Approve the work plan of the Committee.
- Provide advice to the Council.
 - * The Committee does not have delegated authority to approve the annual increase in expense allowance payments stipulated in the Chief Executive Officer's employment contract. The Committee may make recommendations to Council to approve any allowance payment increases.

3. Establishment of the Committee

Pursuant to section 41 of the *Local Government Act 1999* the Council establishes a Committee to be known as the Chief Executive Officer Performance Management Committee (referred to in these Terms of Reference as "the Committee").

4. Membership

The membership of the Committee is comprised of the Mayor as Chairperson and all elected members.

Membership eligibility requires completion of a training course in CEO performance management.

All members of the Chief Executive Officer Performance Management Committee will hold office from 25 June 2020 until the end of the Council term in November 2022.

Members must notify the Chairperson or meeting secretary, as advised on the Notice of Meeting, of non-attendance of a meeting.

Members of the Committee may be removed from office by Council resolution at any time.

Section 41 Committees are dissolved at the end of each council term.

5. Chairperson

The Chairperson being Mayor Erin Thompson.

The role of the Chairperson is to:

- Oversee the orderly conduct of meetings in accordance with the *Local Government Act 1999*, the *Local Government (Procedures at Meetings) Regulations 2013* and Council's 'Code of Practice - Proceedings of Meetings'.
- Ensure, in particular, that the Guiding Principles at Regulation 4 are observed and that all Committee members have an opportunity to participate in discussions in an open and responsible manner.
- Ensure when a matter has been debated significantly and no new information is being discussed to call the meeting to order and move the debate towards finalisation.

The Chairperson of a Committee is not excluded from debate and may add to the debate nearing its end (so as not to 'lead from the Chair'). The Chairperson of a Committee has a deliberative vote and does not have a casting vote.

If the Chairperson of the Committee is absent from a meeting the Committee may elect a Chairperson from those present at the meeting only in the circumstances that a quorum is able to be achieved.

A quorum for the Committee is seven (7) members.

The Committee minutes shall be presented to the next available meeting of Council, including recommendations that require a decision of Council, in the form resolved by the Committee, for consideration of the Council. The Chairperson of a Committee may move the motion of the Committee.

The role of the Responsible Officer is to provide the Committee with administrative support and ensure the orderly preparation of reports for the Committee's consideration.

6. Meeting details

The Chief Executive Officer Performance Management Committee will meet no less than six (6) monthly, at a time to be determined by the Committee, in a meeting area of the principal office of Council.

7. Meeting Procedures

Meetings of the Chief Executive Officer Performance Management Committee will be held in accordance with:

- *Local Government Act 1999*
- *Local Government (Procedures at Meetings) Regulations 2013*
- Council's Code of Practice: Proceedings of Meetings
- Council's Code of Practice: Access to Meetings and Documents 2015.

Where these guiding documents are silent, the Committee will consider and determine its own meeting practice, processes and procedures within the parameters of the *Local Government Act 1999*.

8. Access and Documents

A minimum of three clear days' notice of the meeting, accompanied by the agenda, will be provided to members of the Committee and the public, in accordance with section 87 of the *Local Government Act 1999*.

Minutes will be available within five days after a meeting in accordance with section 91 of the *Local Government Act 1999* and will be provided to all members of the Committee.

Agendas and minutes will be made available, within the above timelines, at www.onkaparingacity.com.

Members of the public are able to attend all meetings of the Committee, unless excluded from the meeting by the confidentiality provisions of section 90 of the *Local Government Act 1999*.

9. Deputations

The Committee Chairperson may allow deputations to appear if they align with the business of the Committee or are referred by the Council.

A deputation must not exceed eight (8) minutes except with the consent of the Committee.

10. Petitions

All petitions must be received by Council. However, the Council may refer a matter arising from a petition to the Chief Executive Officer Performance Management Committee for consideration.

11. Conduct and Interests of Committee Members

All 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.

12. Role of Administration

The Responsible Officer for the Chief Executive Officer Performance Management Committee will be the Director Corporate and City Services (with Manager People and Information as proxy officer). Staff will attend meetings as required and are responsible to provide advice and recommendations to the Committee.

13. Terms of Reference approval

Responsible officers/departments:	Director Corporate and City Services Manager People and Information
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Adopted by:	Council
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Adoption date:	19 November 2019
Next review:	By December 2020
Dates of previous reviews:	<p>Altered by Committee - 11 April 2012. Adopted by Council - 30 April 2012. Adopted by Council – 30 April 2013. Adopted by Council – 9 December 2014. Adopted by Council – 1 December 2015. Adopted by Council – 13 December 2016 Adopted by Council – 15 August 2017 Adopted by Council - 11 December 2018 Altered by Committee – 25 June 2020</p>
ECM DSID:	<p>2131178 – 20 March 2012 2381555 – 11 April 2012 2381557 – 30 April 2012 2398731 – 30 April 2013 4761733 – 11 December 2018 5045672 – 19 November 2019</p>