

15.2 Chief Executive Officer Performance Review Committee meeting minutes

General Manager : Donna Barchiesi, Group Manager Governance
Report Author : Karen Carter, Executive Assistant to the CEO
Contact Number : 8384 0670
Attachments : Nil

A meeting of the Chief Executive Officer Performance Review Committee was held on 11 May 2012

There were no items requiring a resolution of Council. The following confidential resolutions are for noting only.

5.1 Appointment of an independent person to the Chief Executive Officer Performance Review Committee

1. That:

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an Order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.
- b. That Council is satisfied that it is necessary that the public be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) would, on balance, be contrary to the public interest;

The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of information concerning the tender for the appointment of the independent person could prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party.

The Council is also satisfied in considering the 'public interest' that whilst disclosure would enhance:

- the accountability of council or council staff in the performance of their official powers, duties and responsibilities; and
- informed debate about issues and public participation in democracy

the public interest is outweighed by the following factors, that:

- disclosure may unduly inhibit the achievement of the objectives

of the Act at Section 8, ie. obtaining value for money for the community;

- **disclosure would provide a commercial advantage to another party; and**
- **disclosure may have a detrimental effect on the efficient and effective conduct of government functions.**

c. accordingly on this basis, the principle that this meeting of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and/or discussion confidential.

1. That the Council note the following resolution of the Chief Executive Officer Review Panel.

That the Chief Executive Officer Performance Review Committee has determined that an open tender will be called for the appointment of the independent person who will be a part of the Chief Executive Officer Performance Review Committee for 2011-12.

2. That the matter of the appointment of an independent person to the Chief Executive Officer Performance Review Committee having been considered in confidence under Section 90(3)(d) of the *Local Government Act 1999* an order be made under the provisions of Section 91(7) and (9) of the *Local Government Act 1999* that the minutes and the report of the Chief Executive Officer Performance Review Committee relating to discussion of the subject matter be kept confidential until the process for the appointment of the independent member is determined by the members of the Chief Executive Officer Performance Review Committee.