

11.2 Appointment of new Chief Executive Officer

This report provides an update on the appointment of the Chief Executive Officer.

This is information for council to note.

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File reference:
Attachments: Nil

1 Executive summary

This report provides an update on the appointment of the Chief Executive Officer.

1.1 Context

At the Special Council meeting held on 14 September authority was given to the Chief Executive Officer Review Panel to finalise the contractual negotiations and arrangements in the appointment of Mark Dowd as the new Chief Executive Officer (CEO). Thereafter, consistent with usual practices, it is my responsibility as Mayor to execute the contract on behalf of the Council.

I am pleased to advise that all contractual negotiations were successfully completed and on 22 September 2011 on behalf of the Council I executed the contract with our new CEO. The contract is in place and is effective from 7 November 2011 being the date that Mark commences in the position.

1.2 Suggested outcome

It is suggested that Council consider this item in Confidence. Section 90(2), and (3)(a) of the *Local Government Act 1999* is the most appropriate to use for this purpose.

This item is presented as a confidential item because consistent with accepted principles of professional human resource management, details of employment contracts are personal and are known only to the employer and employee.

The possible implications/s of not considering this item in Confidence are that details of the employment contract that are personal would be revealed and this may undermine confidence in our employee relations processes and damage our reputation as an employer of choice.

2 Recommendation(s)

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. **the Council is satisfied that it is necessary that the public be excluded to enable the Council to receive the information at the meeting on the following grounds:**

Section 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);

- c. **on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.**
2. **That the Council note the finalisation of the contract of employment negotiated for Mark Dowd as Chief Executive Officer.**
3. **That the matter of the Appointment of the Chief Executive Officer having been considered in confidence under Section 90(3)(a) 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 relating discussion of the subject matter be kept confidential until the expiry of the contract 30 April 2015.**

Key factors

3 Risk

Key risks	Risk details and analysis
Ensuring the contract was appropriate for the level of the position	Legal advice sought from Norman Waterhouse ensured that the contract was correct and appropriate for the level of the position and that the City of Onkaparinga was appropriately protected.

4 Discussion

On 19 September 2011 Sathish Dasan of Norman Waterhouse attended the meeting of the CEO Review Panel to provide advice and assistance in the preparation of a contract of employment. The legal advice received at that time, the Panel's acceptance of that advice and further advice following the meeting resulted in a successful outcome and Mark Dowd will commence his employment as CEO on Monday 7 November 2011.