

11.3 Appointment of Acting Chief Executive Officer

In accordance with the Local Government Act 1999, Council is required to appoint the Acting Chief Executive Officer for the period following the resignation of the current CEO Jeff Tate and prior to the commencement of the new Chief Executive Officer.

This is information seeking Council direction.

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1 Executive summary

1.1 Topic

In accordance with the *Local Government Act 1999*, Council is required to appoint the Acting Chief Executive Officer for the period following the resignation of the current CEO Jeff Tate and prior to the commencement of the new Chief Executive Officer.

1.2 Context

The negotiations with the favoured candidate for the position of CEO indicate there will be a period of one week between the resignation of the current CEO, Jeff Tate and the commencement of the new CEO. Section 98(2) of the *Local Government Act 1999* states 'The council must appoint a person to act in the position of chief executive officer until a vacancy is filled.'

1.3 Financial implications

Nil

1.4 Suggested outcome

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

This item is presented as a confidential item because personal details of existing staff would be discussed in the consideration of the appointment

The possible implications of not considering this item in Confidence are that details of the appointment would need to be discussed with the preferred appointee prior to finalisation and the appointment becoming public.

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 discuss the matter 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. accordingly, 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 in accordance with the requirements of Section 98(2) of the *Local Government Act 1999*, Council determine who is to be appointed as the Acting Chief Executive Officer in the intervening period between the resignation the current Chief Executive Officer, Jeff Tate and the commencement of the new Chief Executive Officer and the salary package to be applicable to that appointment.
3. That the Mayor be authorised to discuss and finalise the appointment of the Acting Chief Executive Officer for the period 29 October 2011 to 06 November 2011 inclusive with(name to be inserted at the meeting).
4. That the matter of the Appointment of Acting 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 Appointment of Acting Chief Executive Officer and the minutes and the report of the relating to discussion of the subject matter be kept confidential until the appointment of the Acting Chief Executive Officer is finalised and details confirmed with the appointee.

Key factors

3 Discussion

There will be a gap of one week between the resignation of the current CEO Jeff Tate and the new CEO. For that intervening period Council could consider making a single appointment for the entire period or a shared appointment dividing the period into equal parts.

To assist the Council determine the appropriate salary applicable for the period, the current salary package for the CEO (effective from 1 July 2011) is \$302,349.

The current practice for employees stepping into a higher management role is to pay their normal salary plus 75% of the difference between the two roles if the placement is greater than 15 days, or 50% of the difference if the placement is less than 15 days.

