

## **Terms of Reference**

### **Chief Executive Officers Performance Review Committee**

#### **1 Objectives of Committee**

The Chief Executive Officers Performance Review Committee (CEOPRC) is a formally appointed committee of Council and is responsible to that body. It has been established to conduct an annual review of the Chief Executive Officer's (CEO) performance, remuneration, contract terms and conditions, with the assistance of an external facilitator.

#### **2 Responsibilities**

To ensure that the review of performance of the Chief Executive Officer (CEO) for the EMRC is undertaken in accordance with the provisions of the *Local Government Act (1995)* and *Local Government (Administration) Regulations 1996* and EMRC's policies.

#### **3 Duties**

The duties of the Committee will include the following:

- (a) Review the Chief Executive Officer's (CEO) performance with the appropriate provisions contained within the CEO's Contract of Employment and agreed performance objectives;
- (b) Prepare and table the concluded Performance Review Report to the Council for consideration and actioning;
- (c) Review the CEO's performance on an on-going basis if the Council or the CEO perceives that there is a need to do so;
- (d) Determine the Performance Objectives to be met by the CEO for the following year and refer them to Council for consideration and actioning;
- (e) Review the CEO's remuneration package, in accordance with the appropriate provisions of the CEO's Contract of Employment and refer the recommendations to Council for consideration and actioning;
- (f) Review the CEO's Contract of Employment and make recommendations to council in relation to varying the contract as and when necessary; and
- (g) Appoint a consultant to assist it in its functions.

#### **4 Membership**

- 4.1 The Committee will comprise of six Councillors.
- 4.2 The Committee will have no deputy members.
- 4.3 Members will be appointed for a period of two years following each ordinary Council election.

## **5 Meetings**

- 5.1 The Committee shall hold regular meetings at such times and on such days as the Council may determine by resolution.
- 5.2 Additional meetings will be convened at the discretion of the Chairperson.

## **6 Operating Procedures**

- 6.1 All meetings of the Committee are to be conducted in accordance with the *Local Government Act 1995*, associated Regulations and the *EMRC Standing Orders Local Law 2013*.
- 6.2 A quorum for a meeting of the Committee shall be at least 50% of the number of offices (whether vacant or not) of member of the Committee.
- 6.3 Voting
  - (a) All decisions of the Committee shall be made on the basis of a simple majority decision of the members present or, if another kind of majority has been prescribed by regulations for the particular kind of decision, by that kind of majority.
  - (b) If the decision results in a tied vote, the person presiding is to cast a second vote.
  - (c) Persons other than Committee members are not entitled to cast a vote.
  - (d) All other aspects related to voting procedure shall be consistent with relevant sections of the *EMRC Standing Orders Local Law 2013*.
- 6.4 Other EMRC staff may attend meetings, at the discretion of the Chief Executive Officer, to provide advice and information when required.

## **7 Reporting**

- 7.1 The Committee shall after every meeting forward the minutes of that meeting to the next Ordinary Meeting of Council, including a report explaining any specific recommendations and key outcomes.
- 7.2 The item of Council business referred to in relation to this is to be treated as confidential in accordance with s5.23(2) of the *Local Government Act 1995*, r14(2) of the *Local Government (Administration) Regulations 1996*, *Standing Orders Bylaw 5.3* and Council's Policy for dealing with confidential items.

## **8 Delegated Power**

- 8.1 The Committee has no delegated powers and no authority to implement its recommendations.

### **Related Documentation**

Policy 2.1 Committees of Council

Policy 4.1 Chief Executive Officer - Appointment, Performance Assessment and Review Policy Policy 1.5 Council Meeting Agenda/Minutes Confidential/Late Items

*EMRC Standing Orders Local Law 2013*

EMRC Code of Conduct



## **Administration**

**Adopted | Reviewed by Council**

23 September 2010

18 September 2014

6 December 2018

**Next Review**

Following the Local Government Ordinary Elections in 2021

**Responsible Business Unit**

Business Support