

# CEO Employment Matters Committee

## Terms of Reference

Endorsed by Council – 16 November 2021



Mansfield Shire

### 1. Establishment

This Chief Executive Officer Employment Matters Committee (Committee) is established by resolution of Mansfield Shire Council.

### 2. Purpose

The Committee is established to assist Council to fulfil its responsibilities in relation to employment matters of the Chief Executive Officer, as outlined in Council's CEO Employment and Remuneration Policy.

The Committee will oversee matters relating to CEO employment and remuneration in accordance with the Act, s.45(2) including:

- Recruitment and Appointment of CEO
- Contractual Arrangements
- Remuneration and Expenses
- CEO Performance Objectives and Review

The Committee has the authority to undertake discussions with the Chief Executive Officer in relation to CEO employment matters within agreed parameters. The Committee makes recommendations to Council on CEO employment matters

### 3. Membership of the Committee

The Committee shall comprise the Mayor and at least two Councillors. A quorum of three Councillors is required for a meeting.

Formal appointment of Councillors on the Committee will be undertaken at the first Council meeting after the general election (ie, every four years) through the 'Councillor Representation on Committees' appointment process, or any other time deemed necessary by the Council.

In accordance with the requirements of s45(2)(a) of the Local Government Act 2020, an independent person, will be appointed to assist the Committee in the performance of its functions, including, but not limited to, the performance review, remuneration review and contract renewal of the CEO.

The Committee can at any time obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy. The engagement of independent advice will be undertaken by the People and Culture Advisor on behalf of the Committee.

When undertaking the CEO performance review, the process will be facilitated by the Chair of the Committee supported by an independent person suitably qualified in Human Resources.

## 4. Responsibilities

### 1. Recruitment and Appointment of CEO

The Committee will make recommendations to Council when appointing a recruitment consultant, determining the CEO selection criteria and developing the CEO contract.

The Committee will oversee the recruitment process and make recommendations to Council on the appointment of the CEO.

In doing so, the Committee will be supported by a suitably qualified recruitment consultant agency appointed by Council to manage the end-to-end recruitment process.

### 2. CEO Performance Objectives and Review

The Committee will develop annual performance objectives for the CEO (the Performance Plan). The Performance Plan will be developed collaboratively by the CEO and the Committee and presented to Council for adoption.

The Performance Plan will document agreed objectives and outcomes to be delivered over a twelve-month period. A formal review of the CEO's performance, benchmarked against the Performance Plan, will be held annually by the Committee.

An informal review will occur at the 6-month mark to ensure that objectives and actions are progressing and to discuss any challenges that may impact outcomes. The informal review will provide the CEO and Council with the opportunity to adjust any of the objectives set, by agreement, if required.

The CEO will provide a progress report to the Committee at both the 6- and 12-month review. The review will also include the opportunity for Council to provide the CEO with performance related feedback and input into the CEO's development plan. The CEO will also have the opportunity to provide feedback to the Council. This process will be facilitated by the Chair of the Committee supported by an independent person suitably qualified in Human Resources.

## 5. Delegated Authority and Decision Making

The Committee act in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.

Meeting procedures are not prescribed. Meetings are to be held at a time and place determined by the Committee. The Committee is not required to give public notice of its meetings and its meetings are not open to the public.

Meetings will follow standard meeting procedures protocols, namely:

- Commence on time and conclude by the stated completion time.
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member.
- Encourage fair and respectful discussion, participation and respect for each other's views.
- Focus on the relevant issues at hand.
- Provide advice to Council as far as possible on a consensus basis.

## 6. Chair

The position of Chairperson shall be held by the Mayor

If the Chairperson is not present at the meeting, another Councillor who has been appointed to the Committee shall be appointed to act as Chairperson by the Committee.

## 7. Agendas and Meeting Notes

Agendas and meeting notes must be prepared for each meeting.

The Agenda must be provided to members of the Committee not less than 7 days before the time fixed for the holding of the meeting. The only exception to this deadline is when a public holiday falls on the day the agenda is due, in which case the Agenda is to be provided close of business 6 days in advance.

Agendas and meeting notes will be provide to the Committee in a digital/electronic format. Committee members may request a hard copy of the Agenda and meeting notes.

The Chairperson must arrange for meeting notes of each meeting of the Committee to be kept.

The People and Culture Advisor will provide secretariat support to the Committee, including:

- coordinating meetings of the Committee,
- preparing relevant documentation including reports to Council and contractual documents,
- maintaining appropriate records regarding performance review.

## 8. Voting

Each member of the Committee present at the meeting shall have one vote, excluding the Independent person who is a non-voting member.

In the event of an equality of votes the Chairperson has a casting vote.

## 9. Conduct of Members

Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 2020 apply to all members.

## 10. Reporting

Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting as a confidential item for consideration

## 11. Secretariat

The People and Culture Advisor will provide administration support to the Committee to ensure that reports, agendas, notice of meetings and meeting notes of the Committee are recorded and managed in accordance with legislative compliance requirements.

## 12. Review Date

To ensure currency, the Terms of Reference will be reviewed by the Council alongside the CEO Employment and Remuneration Policy