AGENDA

SPECIAL COUNCIL MEETING

8th JANUARY 2019

at 6.00 p.m.
Notice is hereby given pursuant to Section 82 (1) of the Local Government Act 1999, a Special Meeting of Council will be held in the Council Chambers, 19 Wilson Street Berri SA, on Tuesday 8th January 2019 commencing at 6:00pm

KARYN BURTON
ACTING CHIEF EXECUTIVE OFFICER

4/1/2019
THE BERRI BARBERA COUNCIL
INDEX FOR SPECIAL MEETING TO BE HELD 8 JANUARY 2019

Opening: Council Prayer / Acknowledgement of Country

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   3.1 CEO Position and Recruitment

4: CLOSURE:
Opening: Council Prayer / Acknowledgement of Country

1: PRESENT:

2: APOLOGIES:

3: REPORTS:

3.1 CEO Position and Recruitment

REPORT AUTHOR: ACEO
RESPONSIBLE: MAYOR
RECORDS REF: N/A
STRATEGIC LINKS: Yes; Strong Internal Capability and Capacity
FINANCIAL IMPLICATIONS:

- Impact: No
- Budget Description: N/A
- Allocation: N/A
- Expenditure to Date: N/A

SUMMARY:
Pursuant to Section 98 of the Local Government Act 1999 if the position of CEO is vacant Council must take steps to fill the vacancy.

RECOMMENDATION:
That Council:
1. having considered Report 3.1 titled “CEO Position and Recruitment” receive and note the report.
2. Rename the existing CEO Review Committee to be CEO Selection and Performance Review Committee.
3. That the Mayor, Deputy Mayor, Cr............ and Cr............... be appointed to the CEO Selection and Performance Review Committee.
4. Endorse the Terms of Reference of the CEO Selection and Performance Review Committee as tabled in Attachment 1.
5. As a result of previous contractual obligations that Hender Consulting be approached to assist in the search and recruitment of a CEO.
6. That the CEO Selection and Performance Review Committee be delegated the power to short list and interview candidates and make a final recommendation to Council.

REPORT:
The office of Chief Executive Office for the Berri Barmera Council became vacant 6th December 2018. Pursuant to Section 98 of the Local Government Act 1999 the Council are responsible for taking steps to fill the vacancy. Further, the Local Government Act prescribes that the Council must appoint a selection panel to assess applications for the position and to take other additional steps as necessary to make recommendations to the Council on an appointment.
Council already have a CEO Review Committee. To carry out the task of CEO selection it is necessary to form a Committee for the purpose of CEO Selection. Legal advice indicates that combining the two committees is a common approach and assists in keeping the same members involved in related processes – hence the existing CEO Review Committee to be re-named CEO Selection and Performance Review Committee. As per the Terms of Reference this Committee will exist until dissolved upon a decision of Council.

**ATTACHMENTS:** No

**List**

Terms of Reference – CEO Selection and Performance Review Committee

4: **CLOSURE:** The meeting closed at p.m.
1. **Name**

   1.1. Pursuant to section 41(1) of the Local Government Act 1999, the Berri Barmera Council (Council) resolved on 8th January 2019 to establish a committee to be known as CEO Selection and Performance Review Committee (the Committee).

2. **Functions of the Committee**

   2.1. In relation to the selection of the Chief Executive Officer (CEO) the Committee has the following functions:

   2.1.1. Undertake the selection process for the position of CEO of the Berri Barmera Council in accordance with the requirements of the Local Government Act 1999 and at the direction of Council.

   2.1.2. Liaise with professional human resource recruitment consultants as appointed by Council.

   2.1.3. Under the delegation of Council, short list and interview candidates in order to make final recommendation to Council.

   2.2. In relation to the performance review of the CEO the Committee has the following functions:

   2.2.1. Determine the Key Performance Targets for the forthcoming twelve month performance period.

   2.2.2. Arrange for the conduct of the CEO’s six month and annual performance review within the parameters of the CEO’s Employment Agreement.

   2.2.3. Review the CEO’s performance criteria within the parameters of the CEO’s Employment Agreement.

   2.2.4. Review the CEO’s remuneration package within the parameters of the CEO’s Employment Agreement.

   2.2.5. Review any aspect of the CEO’s Employment Agreement within the parameters of the CEO’s Employment Agreement.

   2.2.6. Recommend to Council the outcomes of the CEO’s annual performance review.

   2.2.7. Recommend to Council the CEO’s remuneration package and performance criteria to be applied for the ensuing year.

   2.2.8. Provide feedback to the CEO on outcomes of the performance review, and in conjunction with the CEO determine appropriate courses of action as required.

   2.2.9. Recommend to Council any changes to the CEO’s Employment Agreement to be further negotiated with the CEO.

2.3. Any other matter which is not stipulated within these Terms of Reference but which is within the realm of the powers and functions of the Committee or other matters which are specifically referred by the Council to the Committee and related to the selection or performance review of the CEO.

3. **Membership**

   3.1. The Mayor (Presiding Member), Deputy Mayor and 2 Councillors as nominated at the Special Council meeting of 8 January 2019.
4 Quorum
4.1 A quorum shall consist of all members of the Committee. All decisions of the Committee shall be made on the basis of a majority decision of members.

5 Conflict of interest
5.1 The provisions of sections 73, 74, 75, 75A and 75B the Local Government Act 1999 will apply to all members of the Committee.

6 Proceedings the committee meetings
6.1 The Committee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 2 and Council’s Meeting Procedures Code of Practice Policy.
6.2 The Committee shall meet as required.

7 Duties of the Presiding Officer
7.1 The duties of the Presiding Officer of the committee are:
   a) to preside at meetings of the committee
   b) preserve order at meetings so that the business may be conducted in due form and with propriety
   c) upon confirmation of the minutes, sign them in the presence of the meeting
   d) responsibility to the Council for the proper observance of these Terms of Reference
   e) if requested, to provide advice to the Responsible Officer between committee meetings on the implementation of the decisions of the committee
   f) to act as the principal spokesperson of the committee
   g) to exercise other functions of the committee as the Council determines

8 General Duties of Members of the Committee
8.1 Members are expected to:
   a) act honestly and within the law at all times
   b) act in good faith and not for improper or ulterior motives
   c) act in a reasonable, just and non-discriminatory manner
   d) undertake their role with reasonable care and diligence
   e) conduct their ongoing relationship with fellow council members, council employees and the public with respect, courtesy and sensitivity
   f) use information in a careful and prudent manner.

9 Reporting & accountability
9.1 Administrative support will be provided by Council through direction of the CEO/Acting CEO
9.2 A copy of the agenda and minutes of every meeting shall be provided to the CEO/Acting CEO for public display and on council’s website, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 and 91 of the Local Government Act 1999.

10 Delegations
10.1 The CEO Selection and Performance Review Committee is delegated the power and authority to undertake its functions on behalf of the Council, pursuant to section 44 of the Local Government Act 199, this delegation in no way prevents the Council from performing any of the Committee.
11 Review and amendment to terms of reference

11.1 Council may at any time amend or alter these terms of reference by resolution of the Council. The committee shall at least annually, review these Terms of Reference to ensure that they properly reflect the role and function of the committee.

12 Cessation of the committee

12.1 The Committee may be dissolved upon a decision of Council.

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<tr>
<th>Committee History</th>
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<td>Establishment of CEO Review Committee</td>
<td>27 November 2018</td>
<td>5157/18</td>
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<tr>
<td>Re-establishment of CEO Selection and Performance</td>
<td>8 January 2019</td>
<td>tba</td>
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<tr>
<td>Review Committee and Adoption of Terms of Reference</td>
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