

Minutes of the meeting of the Executive Committee of the City of Holdfast Bay held in the Council Chamber, Glenelg Town, Moseley Square, Glenelg on Tuesday 23 January 2024 at 5:00pm.

PRESENT

Members

Chair – Deputy Mayor S Lonie
Councillor M O’Donohue
Councillor J Fleming
Councillor B Patton
Councillor C Lindop

Independent Member

Ms C Molitor

Staff

General Manager, Assets and Delivery – P Jackson

1. OPENING

The Chair declared the meeting open at 5.07pm.

2. KAURNA ACKNOWLEDGEMENT

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. APOLOGIES

- 3.1 Apologies Received – Mayor A Wilson
- 3.2 Absent

4. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

5. CONFIRMATION OF MINUTES

Motion

That the minutes of the Executive Committee held on 27 June 2023 be taken as read and confirmed.

Moved by Councillor Patton, Seconded by Councillor Fleming

Carried Unanimously

6. REPORTS BY OFFICERS**6.1 Terms of Reference (Report No: 16/24)**

The Executive Committee is a committee established under section 41 of the *Local Government Act 1999* and is charged with the responsibility for undertaking the annual performance appraisal of the Chief Executive Officer.

Following changes to the Local Government Act in 2021, a comprehensive review of the Terms of Reference was undertaken in 2022. No further changes to the Terms of Reference are recommended at this time.

Motion

The Executive Committee recommends Council endorses the Terms of Reference for the Executive Committee.

Moved Councillor Lindop, Seconded Councillor Patton **Carried Unanimously**

7. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**8. CONFIDENTIAL ITEMS****8.1 Performance Review Process – Chief Executive Officer (Report No: 17/24)****Motion – Exclusion of the Public Section 90(3)(a)**

1. That pursuant to section 90(2) of the *Local Government Act 1999* the Executive Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager Assets and Delivery and Staff minute taker in attendance at the meeting in order to consider Report No: 17/24 – Performance Review Process – Chief Executive Officer in confidence.
2. That in accordance with section 90(3) of the *Local Government Act 1999* the Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 17/24 – Performance Review Process – Chief Executive Officer on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 17/24 – Performance Review Process – Chief Executive Officer is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Chief Executive Officer, Mr Roberto Bria, in that details of his performance will be discussed, which are sensitive and are details only known to those who have participated in the discussion.

3. **The Executive Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Fleming, Seconded Councillor Lindop **Carried Unanimously**

Councillor O'Donohue joined the meeting at 5.11pm.

The Executive Committee is charged with the responsibility for undertaking the annual performance review of the Chief Executive Officer (CEO).

This report outlines the process and performance criteria to be used to undertake the 2023-24 review of the CEO.

Motion

The Executive Committee advises Council it:

1. **confirms the process and criteria to be undertaken for the 2023-24 performance review of the Chief Executive Officer.**

RETAIN IN CONFIDENCE - section 91(7) Order

2. **That having considered Agenda Item 8.1 17/24 – Performance Review Process – Chief Executive Officer in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report and attachment be retained in confidence for a period of 24 months and this order be reviewed every 12 months.**

Moved Councillor O'Donohue, Seconded Councillor Patton **Carried Unanimously**

8.2 **Remuneration Benchmarking – Chief Executive Officer (Report No: 18/24)**

Motion – Exclusion of the Public Section 90(3)(a)

1. **That pursuant to section 90(2) of the *Local Government Act 1999* Executive Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager Assets and Delivery and Staff minute taker in attendance at the meeting in order to consider Report No: 18/24 - Remuneration Benchmarking – Chief Executive Officer in confidence.**
2. **That in accordance with section 90(3) of the *Local Government Act 1999* the Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 18/24 - Remuneration Benchmarking – Chief Executive Officer on the following grounds:**
 - a. **pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 18/24 - Remuneration Benchmarking – Chief Executive Officer is information the disclosure of which would involve**

the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Chief Executive Officer, Mr Roberto Bria, in that details of his salary will be discussed, which are sensitive and are details only known to those who have participated in the discussion.

- 3. The Executive Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Fleming, Seconded Councillor Lindop **Carried Unanimously**

The Executive Committee is charged with the responsibility for undertaking the annual performance appraisal of the Chief Executive Officer (CEO).

The CEO's employment contract requires that his performance is reviewed annually and that his Total Employment Cost (TEC) package is also reviewed annually with the CEO's participation, within one month following the performance review.

In 2020, Council resolved (C090620/1930) that a benchmark report on remuneration be brought back to the Executive Committee in February 2021.

It is now timely for another review to be undertaken.

Motion

- 1. That the Committee notes this report.**

RETAIN IN CONFIDENCE - section 91(7) Order

- 2. That having considered Agenda Item 8.2 18/24 - Remuneration Benchmarking – Chief Executive Officer in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report and attachments be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Fleming, Seconded Councillor O'Donohue **Carried Unanimously**

9. CLOSURE

The Meeting closed at 5.26pm.

CONFIRMED 7 May 2024

CHAIR