

ITEM NUMBER: 18.4

CONFIDENTIAL REPORT

CONFIDENTIAL MINUTES EXECUTIVE COMMITTEE – 30 JULY 2024

Pursuant to section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- a. **Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);**

Recommendation – Exclusion of the Public – Section 90(3)(a) Order

1. That pursuant to section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 264/24 – Confidential Minutes – Executive Committee – 30 July 2024 in confidence.
 2. That in accordance with section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 264/24 – Confidential Minutes – Executive Committee – 30 July 2024 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: 264/24 – Confidential Minutes – Executive Committee – 30 July 2024 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 3. The Council 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.
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Item No: 18.4

Subject: CONFIDENTIAL MINUTES – EXECUTIVE COMMITTEE – 30 JULY 2024

Summary

The confidential minutes of the meeting of the Executive Committee held 30 July 2024 are presented to Council for information. Council to consider the recommendations of the Executive Committee on the Acting Chief Executive Officer until the vacant CEO role is filled.

Recommendation

That Council:

1. notes the confidential minutes of the meeting of the Executive Committee of 30 July 2024;
2. endorses the recommendation of the Executive Committee as follows:
 - 2.1 the appointment of Ms Pamela Jackson to act in the position of Chief Executive Officer from 31 August 2024 until the vacancy is filled; and
 - 2.2 the acting Chief Executive Officer be remunerated at the current CEO remuneration.

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 18.4 – Confidential Minutes – Executive Committee – 30 July 2024 in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.
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Background

Council established an Executive Committee pursuant to section 41 of the *Local Government Act 1999* with responsibility for undertaking the annual performance appraisal of the Chief Executive Officer to:

- recommend to Council the form and process of the Chief Executive Officer's annual performance appraisal;
- undertake the annual performance appraisal; and
- provide a report and to make recommendations to Council on any matters arising from the annual performance appraisal.

At its meeting on 23 July 2024, Council appointed the Executive Committee of Council as the Chief Executive Officer Selection Panel pursuant to section 98 (4) of the *Local Government Act 1999* for the CEO Recruitment process and provided the Executive Committee with additional scope to its Terms of Reference for the period of the CEO recruitment process.

The Executive Committee will consider the recruitment and selection process that will be used to fill the Chief Executive Officer role at its next meeting.

Report

The confidential minutes of the meeting of the Executive Committee held 30 July 2024 are attached for Members' information.

Refer Attachment 1

Budget

There are no budget implications associated with this report at this stage.

Life Cycle Costs

Not applicable

Strategic Plan

Statutory compliance

Council Policy

Not applicable

Statutory Provisions

Local Government Act 1999, s41

Written By: Executive Officer and Assistant to the Mayor

Chief Executive Officer: Mr R Bria

Attachment 1

Confidential Minutes of the Executive Committee Meeting of the City of Holdfast Bay held in the Kingston Room, Brighton Civic Centre, 24 Jetty Road, Brighton on Tuesday 30 July 2024.

8. CONFIDENTIAL ITEMS

8.1 Acting Chief Executive Officer Arrangements (Report No: 251/24)

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

- 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 Chief Executive Officer and Staff minute taker in attendance at the meeting in order to consider Report No: 251/24 – Acting Chief Executive Officer Arrangements in confidence.**
- 2. That in accordance with section 90(3) of the *Local Government Act 1999* Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 251/24 – Acting Chief Executive Officer Arrangements 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: 251/24 – Acting Chief Executive Officer Arrangements is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).**
 - e. pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of employees of the Council.**
- 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 Lonie, Seconded Councillor Fleming **Carried Unanimously**

The Chief Executive Officer, Roberto Bria has tendered his resignation which will be effective from Friday 30 August 2024.

Section 96 of the *Local Government Act 1999* states that each council must have a Chief Executive Officer. Further section 98(2) states that council must appoint a person to act in the position of Chief Executive Officer until a vacancy is filled.

This report recommends the appointment of Pamela Jackson to act in the position of Chief Executive Officer until the vacancy has been filled.

Motion

That the Executive Committee recommends to Council:

1. the appointment of Pamela Jackson to act in the position of Chief Executive Officer from 31 August 2024 until the vacancy is filled.
2. the acting Chief Executive Officer be remunerated at the current CEO remuneration.

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 8.1 – Acting Chief Executive Officer Arrangements in confidence under section 90(2) and (3)(a and e) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 12 months and the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 12 months.

Moved Councillor Fleming, Seconded Councillor Lonie

Carried Unanimously

8.2 Chief Executive Officer Recruitment Process (Report No: 252/24)

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

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 Chief Executive Officer and Staff minute taker in attendance at the meeting in order to consider Report No: 252/24 Chief Executive Officer Recruitment Process in confidence.
2. That in accordance with section 90(3) of the *Local Government Act 1999* Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 252/24 Chief Executive Officer Recruitment Process 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: 252/24 Chief Executive Officer Recruitment Process is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - e. pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of employees of the Council.
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 Lonie, Seconded Councillor Fleming

Carried Unanimously

At its meeting on 23 July 2024, Council appointed the Executive Committee of Council as the Chief Executive Officer Selection Panel pursuant to section 98 (4) of the *Local Government Act 1999* for the Chief Executive Officer (CEO) Recruitment process and provided the Executive Committee with additional scope to its Terms of Reference for the period of the CEO recruitment process.

This report recommends that a proposal be sought from the current Advisor to the Executive Committee for supporting the CEO recruitment process and that the recruitment be undertaken in the new calendar year.

Motion

That the Executive Committee:

1. notes that Council appointed the Executive Committee of Council as the Chief Executive Officer Selection Panel pursuant to section 98 (4) of the *Local Government Act 1999* for the CEO Recruitment process;
2. notes that Council delegated to the Executive Committee the decision to appoint a suitably qualified person to assist the Executive Committee and Council in the recruitment process;
3. notes that Council delegated to the Executive Committee, the consideration and recommendation to Council of an appointment of the Acting Chief Executive Officer;
4. notes the additional scope to its Terms of Reference for the period of the Chief Executive Officer recruitment; and
5. receives a proposal from Christine Molitor to support the CEO recruitment process.

RETAIN IN CONFIDENCE - Section 91(7) Order

6. That having considered Agenda Item 8.2 - Chief Executive Officer Recruitment Process in confidence under section 90(2) and (3)(a and e) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 12 months and the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 12 months.

Moved Councillor Fleming, Seconded Councillor Lonie

Carried Unanimously

CONFIRMED

Date of next meeting

MAYOR