

## Executive Committee Terms of Reference

### 1. Establishment

- 1.1 The Executive Committee is a committee established under section 41 of the *Local Government Act 1999*.
- 1.2 The objective of the Executive Committee is to undertake the annual performance appraisal of the Chief Executive Officer.

### 2. Membership

- 2.1 Membership of the Executive Committee comprises:
  - a. The Mayor;
  - b. The Deputy Mayor; and
  - c. Four other Elected Members being one from each Council ward, appointed by Council.
- 2.2 Members of the Executive Committee are appointed by Council. Elected Members are appointed for the term of Council or as otherwise determined by Council.
- 2.3 The Mayor, or in his/her absence, the Deputy Mayor is the Chairperson of the Executive Committee.

### 3. Appointment of Qualified Independent Advisor

- 3.1 **By agreement with the Chief Executive Officer, the Executive Committee must appoint a Qualified Independent Person to provide independent advice regarding the Chief Executive Officer's performance review. The Qualified Independent Person must have recent and relevant human resource management, business, industrial relations, psychology, or law qualifications and must not be an employee of the City of Holdfast Bay as required under section 102A of the *Local Government Act 1999*. ~~The Qualified Independent Person is appointed for a term not exceeding the term of Council. On expiry of their term, the Qualified Independent Person may be re-appointed by Council.~~ The Qualified Independent Person is appointed for a term not exceeding two years. On expiry of their term, the Qualified Independent Person may be re-appointed by Council for up to two additional two-year terms, unless otherwise approved by Council.**

**The method of appointment of the Qualified Independent Person will be as follows:**

- 3.2 **Council will advertise the vacancy in line with regular policy and procedure.**

3.3 A selection panel will be convened comprising: the Mayor; one Elected Member appointed to the Committee; the Chief Executive Officer; and General Manager Strategy and Corporate.

3.3 The selection panel will make a recommendation to Council as to the appointment of the Qualified Independent Person for consideration and appointment by the Council.

#### 4. Meetings

4.1 Meetings are conducted in accordance with Part 3 of the Local Government (Procedures at Meetings) Regulations 2000.

4.2 Minutes of the Executive Committee meetings will be presented to Council as soon as practicable.

4.3 Meetings will be open to the public unless section 90(3) of the *Local Government Act 1999* applies.

4.4 A quorum comprises four members and no business can be transacted unless a quorum is present. The Mayor, or the presiding member, must be included in a quorum.

4.5 Members shall be provided not less than three clear days' notice in writing of the time and place of an ordinary meeting of the Executive Committee; and four hours' notice of the time and place of a special meeting.

4.6 If necessary, members may participate in the meeting via telephone or other electronic means, provided that members of the public can hear the discussion between all members.

#### 5. Role of the Committee

5.1 The functions of the Executive Committee are:

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

5.2 The Executive Committee's authority extends to making recommendations to Council and does not have any authority to make decisions in relation to the Chief Executive Officer's employment arrangements.