

1. ESTABLISHMENT

- 1.1 Pursuant to section 41 of the *Local Government Act 1999* (the Act) the Council has established a Chief Executive Officer Performance Review and Selection Committee.

2. OBJECTIVES

- 2.1 The Committee is established for the purpose of:

- 2.1.1 Sourcing and recommending to Council the appointment of expert members to Committees.
- 2.1.2 Reviewing the performance of the Chief Executive Officer.
- 2.1.3 Recommending a process to Council for the recruitment of the Chief Executive Officer (as required).
- 2.1.4 Reviewing, monitoring and recommending to Council relevant strategies regarding the organisation's culture and performance associated with the conduct of Council Members, employees and volunteers.
- 2.1.5 Monitor the organisations direction regarding the efficient and effective delivery of strategic and operational human resource functions.
- 2.1.6 Ensure the organisation has appropriate employee well-being strategies.

3. MEMBERSHIP

- 3.1 Membership of the Committee will comprise:

- (i) The Mayor
- (ii) Two or three Council Members

The Membership for the Council Members of the Committee continues for the term as resolved by Council.

Council Member Representatives

- 3.2 The Presiding Member will be the Mayor.
- 3.3 Appointment of the Council Member representative will be made by Council on a rotational basis as resolved from time to time. Council may resolve to re-appoint a Council Member representative for consecutive terms.
- 3.4 No additional allowance will be paid to the Mayor or Council Member representatives over and above the allowance already received by the Council Member.
- 3.5 If required, training and development will be sourced and provided to the Council Member Representative on matters/subjects within the Committee's Terms of Reference.

4. BASIS FOR OPERATION

- 4.1 The Committee does not have any delegated powers of Council, and all decisions of the Committee will constitute recommendations to Council.
- 4.2 For the purposes of Section 41(8) of the Local Government Act 1999, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.
- 4.3 Committee meetings will take place at the City of Marion Administration Centre as required to undertake the responsibilities identified in these Terms of Reference.
- 4.4 The Committee will meet on an ad-hoc basis at least every six months. Meetings will be convened at the request of the presiding member or the council members on the Committee.
- 4.5 A quorum for a meeting of the Committee shall be half the total membership plus one, ignoring any fractions.
- 4.6 In the absence of the Presiding Member from a meeting, the meeting will appoint an acting Chairperson from the members present.
- 4.7 Each member present at a Committee meeting must, subject to a provision of the Local Government Act 1999 to the contrary, vote on a question arising for decision at that meeting.
- 4.8 Where the Local Government Act 1999, the Local Government (Procedures at Meetings) Regulations 2000 and these Terms of Reference do not prescribe procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedures.
- 4.9 Administrative support will be provided to the Committee as required.

5. FUNCTIONS

Within the parameters of the Local Government Act 1999, and having regard to the powers, functions and responsibilities of the Chief Executive Officer, the Committee is charged with undertaking the following functions:

5.1 CEO Employment Agreement and Performance Review

- 5.1.1 Arranging for the conduct of the Chief Executive Officer's six month (informal) and annual performance review within the parameters of the Chief Executive Officer's Employment Agreement.
- 5.1.2 In accordance with Section 102A of the Local Government Act, the Committee will obtain the advice for the purpose of any review of the employment

agreement and CEO Performance review of a qualified independent person for the purpose of any review, providing the advice to Council for consideration.

- 5.1.3 Reviewing the Chief Executive Officer's performance criteria within the parameters of the Chief Executive Officer's Employment Agreement.
- 5.1.4 Reviewing the Chief Executive Officer's remuneration package within the parameters of the Chief Executive Officer's Employment Agreement and the requirements of the Local Government Act and Regulations.
- 5.1.5 Reviewing any aspect of the Chief Executive Officer's Employment Agreement within the parameters of the Chief Executive Officer's Employment Agreement and in any instance before terminating the appointment of the CEO, Council must have advice from a qualified independent person.
- 5.1.6 Recommending to Council the outcomes of the Chief Executive Officer's annual performance review including the advice of a qualified independent person.
- 5.1.7 Recommending to Council the Chief Executive Officer's remuneration package in accordance with s99A of the Local Government Act and within the minimum and maximum range determined by the Remuneration Tribunal SA and recommending to Council the Chief Executive Officer's performance criteria to be applied for the ensuing year.
- 5.1.8 Providing feedback to the Chief Executive Officer on outcomes of the performance review, and in conjunction with the Chief Executive Officer, determining appropriate courses of action as required.
- 5.1.9 Recommending to Council any changes to the Chief Executive Officer's Employment Agreement to be further negotiated with the CEO.

5.2 Vacancy of the Office of the Chief Executive Officer

- 5.2.1 The Council will appoint a Chief Executive Officer after obtaining and considering the advice of a qualified independent person on the assessment of applications recommendations of the appointment.
- 5.2.2 In the event a vacancy in the office of the Chief Executive Officer, the Committee will develop and recommend to Council the necessary steps to fill the vacancy in accordance with the requirements the Local Government Act 1999.
- 5.2.3 The Committee will act as the selection panel and will appoint at least 1 member to the selection panel who is not a Council member or employee of the Council and make recommendations to the Council in accordance with the process developed and adopted in accordance with section 5.2.2.

5.3 Process to Source Appointment of Expert Members to Section 41 Committees

- 5.3.1 This Committee and the Chief Executive Officer will act as the selection panel for

all expert members to Section 41 Committees.

5.3.2 This panel will be supported by the manager with the relevant expertise required for the operations of the Committee.

5.3.3 The process to be followed by the Committee is:

- Identification of potential candidates via an executive search or general advertisement.
- Short list candidates for interviews/discussion.
- Interviews with candidates to determine suitability for selection.
- Determine a preferred candidate and confirm their preparedness to be nominated for appointment.
- Make recommendation to Council on a preferred candidate.

5.4 Process to Source Appointment of Expert Members to the Council Assessment Panel (CAP)

5.4.1 This Committee and the Chief Executive Officer will act as the selection panel for all expert members to the Council Assessment Panel.

5.4.2 This Panel will be supported by the Manager Development and Regulatory Services (or their delegate) and any other manager with the relevant expertise required for the operations of the Committee.

5.4.3 The process to be followed by the Committee is:

- Identification of potential candidates via general advertisement.
- Short list candidates for interviews/discussion.
- Interviews with candidates to determine suitability for selection.
- Determine a preferred candidate and confirm their preparedness to be nominated for appointment.
- Make recommendation to Council on a preferred candidate.

5.5 Review Committee's Performance

5.5.1 Review the Committee's Performance on a bi-annual (every two years) basis using performance indicators developed for that purpose.