

# Terms of Reference

**Committee:** CEO Performance Review Committee

**Responsible Directorate:** Finance and Corporate Services

**Version:** ADOPTED

## 1. INTRODUCTION

- 1.1. The CEO Performance Review Committee (the Committee) is established under the powers given in section 5.8 of the *Local Government Act 1995* (the Act).
- 1.2. The Committee is established for the purpose of assisting the Council to fulfil its functions under the City of Busselton Standards for CEO Recruitment, Performance Review and Termination (CEO Standards) in relation to review of the Chief Executive Officer's (CEO) performance.

## 2. OBJECTIVE

- 2.1 The Committee is responsible for undertaking the performance review of the CEO and reporting findings and recommendations to Council.
- 2.2 The functions of the Committee are to:
  - a. provide advice and recommendations to Council in relation to the appointment of an independent facilitator to assist the committee in conducting the CEO performance review;
  - b. develop, review and recommend to Council performance criteria to be met by the CEO;
  - c. review the CEO's performance in accordance with the provisions contained within the CEO's contract of employment and the CEO Performance Review Policy;
  - d. report concluded findings and recommendations to Council for consideration;
  - e. monitor the progress of achievement by the CEO against the performance criteria;
  - f. provide advice and recommendations to Council on CEO remuneration reviews and assessments.

## 3. MEMBERSHIP

- 3.1. The Council will appoint to the Committee
  - a. The Mayor plus two elected members; and
  - b. one elected member as deputy member of the Committee.
- 3.2. Membership of the Committee will, unless determined otherwise, cease on the day of the next ordinary Council election.
- 3.3. Council will appoint new members to the Committee at the Council meeting following each Council election.
- 3.4. Committee members must:
  - a. as soon as practicable after their appointment, complete appropriate training in the conduct of CEO performance reviews;
  - b. participate in the performance review process in a fair and impartial manner;

- c. ensure their assessment of the CEO's achievements against the performance criteria is based on evidence;
- d. maintain confidentiality in relation to the performance review and any information received; and
- e. ensure accurate and comprehensive records are kept and provided to the City's administration for recording within the City's record keeping system.

#### **4. PRESIDING MEMBER**

- 4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

#### **5. MEETINGS**

- 5.1. The Committee shall meet formally at least twice per year. The Committee members may also meet outside of formal Committee meetings to undertake functions which inform their decision making e.g. CEO performance review meetings, meetings with an independent facilitator.
- 5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.
- 5.3. Meeting Agenda papers are to be provided to members not less than 72 hours prior to the meeting.
- 5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.
- 5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.
- 5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

#### **6. QUORUM**

- 6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

#### **7. DELEGATED POWERS**

- 7.1. The Committee does not have authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated power from Council.
- 7.2. Committee recommendations are not binding on Council and must be endorsed by Council to take effect.

#### **8. EVALUATION OF COMMITTEE'S EFFECTIVENESS**

- 8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
  - a. are the Committee's purpose and objectives being met?
  - b. should the purpose and objectives be amended?
  - c. is the Committee functioning effectively and as per the requirements of the Act?
  - d. are the Committee members regularly attending meetings?
  - e. review the Terms of Reference, including membership.

## 9. APPROVAL

<b>Council Adoption</b>	<b>DATE</b>	25 January 2023	<b>Resolution #</b>	C2301/010
<b>Previous Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	