



SHIRE OF JERRAMUNGUP CEO REVIEW COMMITTEE

TERMS OF REFERENCE

FUNCTIONS

1.0 NAME

The name of the Committee shall be the Shire of Jerramungup CEO Review Committee.

2.0 DISTRICT

The Shire of Jerramungup CEO Review Committee shall operate within the local government boundaries of the Shire of Jerramungup.

3.0 PURPOSE

To undertake periodic review meetings with the incumbent CEO and prepare reports and recommendations for Council on the CEO's performance and contract terms.

4.0 GUIDING PRINCIPLES

This committee is established with the guiding principles in accordance with the *Local Government Act 1995*.

5.0 ESTABLISHMENT

The Committee is established pursuant to the *Local Government Act 1995*, Section 5.8.

6.0 OBJECTIVES

6.1 The Committee is established to fulfil the following functions:

- 6.1.1 Undertake an annual assessment of the CEO's performance in accordance with the provisions of the CEO's contract of employment;
- 6.1.2 In conjunction with the CEO, develop key result areas to deliver the key priorities of the Corporate Business Plan, and other methods that will be used to assess the CEO's future performance and to meet the expectation of Council;
- 6.1.3 Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination;
- 6.1.4 Provide positive communication opportunities between Council and the CEO; and

- 6.1.5 Provide guidance to Council in assessing the CEO's performance.

7.0 MEMBERSHIP

7.1 General

- The Committee will consist of the Shire President, Deputy Shire President and two elected members.
- The Committee will be supported by an independent facilitator where required and by the Deputy CEO for industrial relations advice and administrative support.

7.2 Tenure of Membership

The membership will be reviewed annually as part of Council's review of its committees and also in accordance with the *Local Government Act 1995, Section 5.11*

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until—*
- the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
 - the person resigns from membership of the committee;*
 - the committee is disbanded; or*
 - the next ordinary elections day,*
 - whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until—*
- the term of the person's appointment as a committee member expires;*
 - the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
 - the committee is disbanded; or*
 - the next ordinary elections day,*
 - whichever happens first.*

8.0 DELEGATED AUTHORITY OF

Nil – this committee will make recommendations to Council.

9.0 COMMITTEE

9.1 Chairperson

The Shire President will undertake the role of Chairperson of the Committee. The Deputy Shire President will chair meetings in the Shire President's absence.

9.2 Secretary

The Deputy Chief Executive Officer or Independent Facilitator will carry out the role of secretary to take minutes and prepare agendas.

9.3 Standing Ex-Officio Members

Nil

10.0 MEETINGS

10.1 Annual General Meeting

Nil

10.2 Committee Meetings

Scheduling of meetings of the Committee shall be as determined by the Committee and as required to undertake at least one annual performance review of the CEO.

10.3 Quorum

The quorum at any meeting shall be three elected members.

10.4 Voting

Shall be in accordance with the *Local Government Act 1995, Section 5.21.*

5.21 Voting

- (1) *Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) *If the votes of a member present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) *If a member of a council or a committee specifically requests that there be recorded —*
 - (a) *his or her vote; or*
 - (b) *the vote of all members present**On a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*
- (5) *A person who fails to comply with subsection (2) or (3) commits an offence.*

10.5 Minutes

Shall be in accordance with the *Local Government Act 1995, Section 5.22.*

5.22 Minutes of council and committee meetings

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

10.6 Who acts if no presiding member?

Shall be in accordance with the *Local Government Act 1995, Section 5.14.*

5.14 Who acts if no presiding member

- (1) *If, in relation to the presiding member of a committee —*
 - (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
 - (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or willing to perform the functions of presiding member,**(1) then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

10.7 Meetings

Meetings shall generally be open to the public pursuant to the *Local Government Act 1995, Section 5.23(2)* and is not required to have questions from the public as there are no Council delegations.

10.8 Members Interests to be Disclosed

Members of the Committee are bound by the provisions of the *Local Government Act 1995, Section 5.65* with respect to disclosure of financial, impartiality or proximity interests.

11.0 THE REVIEW PROCESS

- 11.1** Committee appoints where required an independent facilitator and approves their process to assist with the performance review process which is acceptable to both parties, ie. CEO and Committee.
- 11.2** CEO provides a written report and self-rating to the Committee against the Key Result Areas (KRAs) and Key Functions;
- 11.3** All elected members shall individually and independently rate and comment on the performance of the CEO against each of the KRAs and Key Functions and provide such assessment directly and confidentially to the independent facilitator or the CEO in the absence of a facilitator;
- 11.4** The independent facilitator or CEO will consolidate all scores and comments from interviews or feedback forms to present an assessment report to the Committee to discuss and agree overall ratings;
- 11.5** The CEO meets with the Committee and independent facilitator for feedback and discussion;
- 11.6** The Committee agrees on final ratings;
- 11.7** The Committee and CEO agree to KRAs for the forthcoming year;
- 11.8** The independent facilitator or CEO completes the final report, with final ratings and specific comments against each KRA;
- 11.9** The CEO meets with the Committee and independent facilitator for discussion of remuneration package changes; and
- 11.10** The final report, new KRAs and any remuneration packages recommendations are provided to Council for consideration in accordance with the CEO contract of employment.

12.0 DISPUTE

- 12.1** Where the CEO disagrees with the feedback he/she is entitled to request Council consider the rating.
- 12.2** Further dispute resolution if required will be mediated in accordance with the CEO's employment contract.

13.0 REPORTING REQUIREMENTS

- 13.1** Recommendations arising from this Committee's operation will be presented to the next Ordinary Council Meeting for endorsement.