

# Chief Executive Performance and Employment Committee - Terms of Reference / Ngā Ārahina Mahinga

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<b>Chair</b>	The Mayor
<b>Deputy Chair</b>	Councillor Gough
<b>Membership</b>	Deputy Mayor Cotter Cllr MacDonald Cllr McLellan
<b>Quorum</b>	Half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd.
<b>Meeting Cycle</b>	Quarterly and as required
<b>Reports To</b>	Council

## Purpose

The purpose of the Committee is to enable the Council to meet its good employer obligations to its Chief Executive. These obligations, as well as those of the Chief Executive, are set out in the Local Government Act 2002, in employment law generally and in the Chief Executive's employment agreement.

## Areas of Focus

The Committee acts for and advises the Council on all matters relating to the Chief Executive's employment including recruitment, remuneration, performance and relationship management.

## Responsibilities and Delegations

- Recommend to Council for approval when required, a recruitment, selection and appointment process for a Chief Executive
- Oversee within the Council agreed process, Chief Executive recruitment and selection, and recommend candidates and proposed remuneration to Council for approval
- Conduct and complete a review of employment at least 6 months prior to the end of the Chief Executive's first term of employment (LGA 2002, Sch7, cl35) and recommend to Council whether or not the Chief Executive should be appointed for a second term of up to two years or that the position be declared vacant (LGA2002, Sch7, cl34)
- Negotiate an initial performance agreement, subsequent agreements and any variations with the Chief Executive and recommend to Council for approval
- Provide feedback and support to the Chief Executive and undertake performance reviews, all consistent with the process and timeline in the relevant performance agreement
- Report the outcome of the annual review of the Chief Executive's performance and make recommendations to Council on the outcome of that review for approval
- Review the Chief Executive's remuneration and package in accordance with the employment agreement and make recommendations to the Council for approval
- Provide updates on issues and progress to Council at other times and on request

- Engage relevant external advice including independent legal advice to assist the Committee with all or any of the matters within its delegations ensuring that such advisors are not otherwise contracted to Council for similar services
- Agree with the Chief Executive how the administration needs of the Committee will be met.

## **Limitations**

The power to appoint a Chief Executive is one that is reserved for the Council to make and cannot be delegated (LGA 2002, Sch7, cl 32(1)(e)). The power to adopt a remuneration and employment policy also cannot be delegated by Council (LGA2002, Sch7, cl32(1)(h)).

**Note:** The following responsibility is removed from the Committee TOR and by default will now be a Council responsibility: Council remuneration and employment policy including the living wage