



Report 10.32
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File GM/02/01/04

Committee Council
Author Fran Wilde, Chair

Expiry of Chief Executive's employment agreement

1. Purpose

To outline the statutory requirements relating to the expiry of the Chief Executive's five year employment agreement and to put in place a process for undertaking the statutory performance review required under the Local Government Act 2002.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

The Chief Executive's performance agreement with the Council expires on 5 September 2010. Clauses 34 and 35 of Schedule 7 of the Local Government Act 2002 set out the statutory provisions the Council must follow relating to the expiry of the Chief Executive's first term of appointment.

4. Comment

The statutory provisions (details attached as **Attachment 1**) require the Council to conduct and complete a review of the Chief Executive's performance not less than six months prior to the expiry of the employment agreement for the Chief Executive's first term of appointment unless the Chief Executive declares in writing that he does not wish to be considered for appointment to a second term.

Having completed the review, and before the agreement expires, the Council must resolve whether to:

- Appoint the Chief Executive for a second term (not exceeding two years), or
- Advertise the vacancy.

If the vacancy is advertised the incumbent Chief Executive may apply for the position and the local authority must give due consideration to the application from the incumbent Chief Executive. A Chief Executive has no right or expectation of renewed employment at the end of any term.

I propose that the Council establish a committee to undertake the statutory performance review and that its findings and recommendations, including whether the Chief Executive should be appointed for a second term or the vacancy advertised, be reported to the Council meeting on 4 March 2010 for decision.

The draft terms of reference for the proposed committee are attached as **Attachment 2**.

5. Communication

No communications are required as a result of this report.

6. Recommendations

That the Council:

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Approves the establishment of the Chief Executive Statutory Performance Review Committee, with the following membership:*

Cr Wilde (Chair)

Cr Buchanan

Cr Glensor.

4. *Approves the terms of reference for the Chief Executive Statutory Performance Review Committee, as set out in Attachment 2 to this report.*

Report prepared by:

Fran Wilde
Chair