

# Delegation of Authority and Rules of Operation

## General Manager's Performance Review Special Committee



*"Not for ourselves alone"*



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Pursuant to Section 24 of the *Local Government Act 1993* (as amended) the Burnie City Council hereby establishes a Special Committee as detailed in Schedule 1 and 2 below.

## **Schedule 1**

### **1. Name of Special Committee**

The name of the Special Committee shall be the:

**General Manager's Performance Review Special Committee**

## **Schedule 2**

### **1. Objectives of the Committee**

1.1. The objectives of the Committee are to:

- Undertake the annual performance review of the General Manager in accordance with the employment contract,
- Negotiate the appointment of an independent facilitator (management consultant) to assist the Special Committee and Council in complying with the terms and conditions of the General Manager's employment contract,
- Complete the review of the General Manager in a timely and professional manner, and
- Provide advice to the Council on the General Manager's Contract of Employment.

### **2. Committee Structure**

2.1. The Committee shall consist of all nine Councillors at any one time.

2.2. Only Councillors will be eligible for appointment to the Special Committee.

2.3. The Mayor or his or her delegate shall be the Chairperson of the Special Committee.

### **3. Selection and Appointment of Committee Members**

3.1. Not applicable.

### **4. Terms of the Committee Appointments**

4.1. The Councillor positions on the Committee will become vacant directly following the ordinary Council election, and a subsequent appointment shall be made by the Council for a period of two years. At the expiry of this term, a new appointment will

be made by Council, for two years expiring directly following the next ordinary election.

## **5. Roles and Responsibilities of Members**

- 5.1. To maintain confidentiality on matters of a sensitive nature or involving personal information;
- 5.2. When applicable, to declare an interest in any matter being considered by the Committee, in accordance with Part 5 of the *Local Government Act 1993*.

## **6. Functions of the Committee**

- 6.1. To facilitate the annual performance review of the General Manager in accordance with the terms and conditions of the employment contract, including review of the position description.
- 6.2. To appoint in consultation with the General Manager the independent facilitator (management consultant) to assist in undertaking the review.
- 6.3. To ensure that the independent facilitator obtains input and comments from all Councillors interested in participating in the review process.
- 6.4. To finalise negotiations with the General Manager on the salary package and benefits to be paid in the following year at the completion of the review process.
- 6.5. To appoint in consultation with the General Manager an independent facilitator to provide professional advice on the General Manager's contract, including renewal of contract options and revision for the consideration of the Committee and the Council.

## **7. Meetings of the Committee**

### **7.1. Meeting Procedures**

- 7.1.1. Meetings will generally be conducted in accordance with the provisions of the *Local Government Meeting Procedures Regulations 2015* (or successive Regulations).

### **7.2. Quorum**

- 7.2.1. A quorum will consist of the majority of total members, being one half plus one.
- 7.2.2. All members (excluding ex-officio members), shall have voting rights with decisions based on the principle of simple majority.

### **7.3. Meeting Frequency**

- 7.3.1. Meetings of the Committee must be held at a frequency determined appropriate by the Chairperson.

- 7.3.2. The Chairperson is able to call additional meetings and is required to, if asked to do so by at least three other members of the Committee.

**7.4. Notice of Meetings**

- 7.4.1. Notice of each meeting, including special meetings, shall be given to each Committee member at least seven days in advance unless impractical to do so by reason of an urgent matter requiring a meeting to be held promptly.

**7.5. Attendance at Meetings**

- 7.5.1. All Councillors will be entitled to one vote at a meeting of the Committee.

**7.6. Appointment of Acting Chairperson**

- 7.6.1. If the appointed Chairperson is not available for a meeting, the Deputy Mayor shall be the Acting Chairperson.

**7.7. Records to be kept**

- 7.7.1. The Chairperson shall ensure minutes are kept of each meeting, detailing
- The time, date and place of each meeting;
  - Those present;
  - An accurate record of any motion indicating the mover and seconder and indicating the word 'Carried' or 'Lost' after each motion.
- 7.7.2. Where recommendations are made by the Committee, the Chairperson shall provide a report explaining any specific recommendation for Council consideration at the next ordinary meeting of Council in closed session.
- 7.7.3. The minutes of each meeting shall be confirmed at the subsequent meeting of that Committee.

**7.8. Records to be kept by Treasurer**

- 7.8.1. Not applicable.

**8. Restrictions on Committee Powers**

- 8.1. The Committee does not have the power to:
- (a) Impose fees, taxes, rates or charges
  - (b) Rebate rates or charges
  - (c) Apply for grants
  - (d) Make grants

- (e) Borrow money
- (f) Make a rate
- (g) Make a By-law
- (h) Execute a Deed
- (i) Sign a contract
- (j) Institute a legal proceeding
- (k) Call for tenders
- (l) Provide direction to staff
- (m) Advertise for and/or appoint an employee or servant (except honorary office-bearers)
- (n) Sell land
- (o) Operate a bank account
- (p) Undertake lobbying unless expressly authorised by Council
- (q) Issue correspondence or media releases from the Special Committee without the co-signature of the Mayor
- (r) Conduct business and activities otherwise than in accordance with Council's Risk Management and Workplace Health and Safety policies and practices.

**9. Remuneration**

9.1. Not applicable.

**10. Reporting Requirements**

10.1. Not applicable.

**11. Financial Requirements**

11.1. Not applicable.

**12. Insurance**

12.1. Committee Members are covered under the terms and conditions of Council's Public Liability and Personal Accident policies provided they are acting within the scope of their functions as a member of the Special Committee as listed in Clause 5 Roles and Responsibilities of Members and Clause 6 Functions of the Committee, and within the requirements of Clause 13 Safety and Risk Management.

**13. Safety and Risk Management**

13.1. Not applicable (no community members).

**14. Secretariat and Support**

14.1. The Council will provide the Committee with the necessary secretariat support to allow the Committee to function effectively.

14.2. The Manager People and Safety will be available to provide information for the Committee.

**15. Alteration to Delegation of Authority and Rules of Operation**

15.1. This Delegation of Authority and Rules of Operation may be amended at any time by Council resolution.

**16. Definitions**

16.1. 'Committee' means the General Manager's Performance Review Special Committee as stipulated in Schedule 1 of this document.

16.2. 'Council' means the Burnie City Council.

16.3. 'Councillor' means an elected member of Burnie City Council.

16.4. 'Committee Member' means a member of the committee.

16.5. 'Manager People and Safety' means the Burnie City Council employee appointed to this position with responsibility for human resource management or a similar position if amended from time to time.

16.6. 'General Manager' means the General Manager of the Burnie City Council as appointed from time to time.

16.7. 'Mayor' means the Mayor of the day at Burnie City Council.



**17. Timeframes**

<b>Responsibility</b>	<b>Frequency</b>	<b>Scheduled Date</b>
Appointment of Councillors (clause 4.1)	Every two years (coinciding with ordinary Council elections every four years)	December 2018 December 2020
Recommendations to Council (clause 7.7.2)	On an as required basis	As applicable