



CONFIDENTIAL SPECIAL COUNCIL MEETING

CONFIDENTIAL MATTERS

4.1 Chief Executive Officer (CEO) Recruitment Process Report (Attachment)3

4.2 Chief Executive Officer (CEO) Appointment and Employment Agreement
(Attachment)5

4.1 CHIEF EXECUTIVE OFFICER (CEO) RECRUITMENT PROCESS REPORT

Contact Person: Mayor Glenn Docherty

Why is this matter confidential?

Subject to an order pursuant to Section 90 (3) (a) of the Local Government Act 1999, this matter is confidential because the present matter relates to information pertaining to the personal affairs of persons and the disclosure of this information would be unreasonable because the information is sensitive to those persons and is not a matter of public knowledge.

A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

No action – this motion passed in the open section.

B. THE BUSINESS MATTER

ITEM 4.1 HAS BEEN RETAINED IN-CONFIDENCE FOR REVIEW AT THE ANNUAL REVIEW IN 2017 – RESOLUTION #2531

C. COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 4.1 IS TO BE KEPT IN CONFIDENCE

Purpose

To resolve how long agenda item 4.1 is to be kept confidential.

STAFF RECOMMENDATION

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 4.1 be kept confidential:

- Attachment for Item 4.1 until the next scheduled annual review of confidential items.
- Discussion for Item 4.1 until the next scheduled annual review of confidential items.

Options

Option 1

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 4.1 be kept confidential:

- Attachment for Item 4.1 until the next scheduled annual review of confidential items.
- Discussion for Item 4.1 until the next scheduled annual review of confidential items.

Analysis of Options

Option 1

This item is excluded from the public on the basis that it relates to Section 90 (3) (a) of the Local Government Act 1999.

The report and decision for this item can be released as the report and decision do not contain personal information relating to candidates.

The Attachment and Discussion for this item should remain confidential until the next scheduled annual review of confidential items as the attachment and discussion contain information of the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and specifically, the present matter relates to information pertaining to the personal affairs of persons.

4.2 CHIEF EXECUTIVE OFFICER (CEO) APPOINTMENT AND EMPLOYMENT AGREEMENT

Contact Person: Mayor Glenn Docherty

Why is this matter confidential?

Subject to an order pursuant to Section 90 (3) (a) of the Local Government Act 1999, this matter is confidential because the present matter relates to information pertaining to the personal affairs of persons and the disclosure of this information would be unreasonable because the information is sensitive to those persons and is not a matter of public knowledge.

A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

No action – this motion passed in the open section.

B. THE BUSINESS MATTER

4.2 CHIEF EXECUTIVE OFFICER (CEO) APPOINTMENT AND EMPLOYMENT AGREEMENT

See Attachment No: 1. Draft CEO Employment Agreement – Under separate cover

Why is this matter before the Council or Committee?

Matters which cannot be delegated to a Committee or Staff.

Purpose

Council to review draft CEO Employment Agreement and appoint the CEO.

RECOMMENDATION

Option 1

1. That pursuant to Section 98(5) of the Local Government Act 1999, the Council appoints Mr Mal Hemmerling to the position of Chief Executive Officer of the Council on the terms and conditions set out in the contract of employment (Employment Agreement) attached to the report to the Council dated 21 September 2015 and titled "Chief Executive Officer (CEO) Appointment and Employment Agreement" relating to Item 4.2 (the Contract).
2. That the Council authorises the Mayor to enter into and execute the Contract on behalf of the Council.

Option 2

That the Council not agree with the Employment Agreement in relation to the following clauses of the Employment Agreement (as per Attachment 1):

1. _____
2. _____
3. _____

and notify Mr Hemmerling accordingly.

Relevance to Strategic Plan

Strategy 5. Building our capabilities
Outcome 5.1 Highly performing organisation

Relevance to Public Consultation Policy

There is no requirement to consult the community on this matter.

Background

The recruitment to fill the position of CEO commenced in June 2015 with the CEO Selection Panel meeting the 25th June 2015 to draft the Job description followed by the position being advertised and opened from 27th June 2015.

The CEO Panel arranged for an Employment Agreement for the preferred candidate, Mr Hemmerling, to be prepared and provided to Mr Hemmerling for consideration.

The Panel met on the 17th and 18th of September to consider feedback from Mr Hemmerling and the final Employment Agreement.

Norman Waterhouse has drafted and provided advice on the Employment Agreement.

Analysis of Issues

The Employment Agreement has been amended with additions as agreed by the Panel. Mr Hemmerling and is now presented to the Council for consideration and appointment.

Options

Option 1

1. That pursuant to Section 98(5) of the Local Government Act 1999, the Council appoints Mr Mal Hemmerling to the position of Chief Executive Officer of the Council on the terms and conditions set out in the contract of employment (Employment Agreement) attached to the report to the Council dated 21 September 2015 and titled "Chief Executive Officer (CEO) Appointment and Employment Agreement" relating to Item 4.2 (the Contract).
2. That the Council authorises the Mayor to enter into and execute the Contract on behalf of the Council.

Option 2

That the Council not agree with the Employment Agreement in relation to the following clauses of the Employment Agreement (as per Attachment 1):

1. _____
2. _____
3. _____

and notify Mr Hemmerling accordingly.

Analysis of Options

Option 1

Should option 1 be adopted by the Council the Employment Agreement will be provided to Mr Hemmerling for his final consideration and signing.

Option 2

Should option 2 be adopted by the Council, Mr Hemmerling will be advised and the Employment Agreement will be provided to the CEO Selection Panel for further consideration before coming back to Council.

Financial Implications

Nil

Preferred Options and Justification

Staff do not have a preferred option on this matter.

Placeholder for Attachment 1

Chief Executive Officer (CEO) Appointment and
Employment Agreement

Will be provided under separate cover.-

C. COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 4.2 IS TO BE KEPT IN CONFIDENCE

Purpose

To resolve how long agenda item is to be kept confidential.

RECOMMENDATION

- **NOTE: Not required if Option 1 of the Matter is resolved.**

Options

Option 1

- **NOTE: Not required**

Option 2

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act:

- The Report for Item 4.2, until the next scheduled annual review of confidential items
- Attachment(s) for Item 4.2, until the next scheduled annual review of confidential items
- Discussion for Item 4.2, until the next scheduled annual review of confidential items
- Decision for Item 4.2, until the next scheduled annual review of confidential items

Analysis of Options

Option 1

If the Council resolve to appoint the CEO, legislation restricts an order to be made to retain the remuneration and conditions of service of the CEO.

Option 2

Until the Council considers this matter and makes a determination to appoint, all aspects of this item should remain confidential as the matter relates to information pertaining to the personal affairs of persons and the disclosure of this information would be unreasonable because the information is sensitive to those persons and is not a matter of public knowledge.