



Executive Committee Terms of Reference

Document Control

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|----------------|-----------------|---|-----------------------------|-------------------------|-------------|
| October 2019 | October 2021 | Description of Committee function, purpose, membership and role of City staff | Manager Governance Services | Chief Executive Officer | Council |

1. Committee's Authority and Purpose

Authority

In accordance with section 5.8 of the *Local Government Act 1995 (the Act)*, the Council of the City of Mandurah (**the City**) has the ability to establish an Executive Committee (**the Committee**) to assist with the delivery of local government functions.

The Committee is to provide guidance and assistance to Council on matters relevant to its terms of reference. This role is designed to facilitate informed decision-making by Council in relation to its legislative functions and duties that have not been delegated to the CEO.

The Committee is a formally appointed committee of the Council and is responsible to the Council. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

Purpose

The purpose of the Committee is to recommend appropriate action to Council on all matters dealing with:

1. The review of the Chief Executive Officer's salary and performance;
2. Employment of the Chief Executive Officer;
3. Approving the Senior Employee Total Remuneration Package Band Range; and
4. Other matters referred by Council.

2. Committee Membership

Composition

The Committee shall comprise of up to six members, consisting of:

- Mayor;
- Deputy Mayor; and
- Four elected members.

The Council can appoint one or more deputies to the Executive Committee at any time .

The Council shall appoint one of the six elected members as Committee Chairperson.

The tenure of members' appointment to the Committee must be compliant with Section 5.11 of the Act, being up to two years terminating on the day of the Ordinary Council elections, at which time all Elected Members will be eligible for reappointment.

Committee members who are Elected Members must declare conflict of interest or financial interests in accordance with section 11 of the *Local Government (Rules of Conduct) Regulations 2007*, in a written notice to the Chief Executive Officer before the meeting or at the meeting immediately before the matter is discussed.

Termination of Appointment

Council may terminate the appointment of any member prior to the expiry of their term, if:

- The Committee Chairperson considers that the member is not making a positive contribution to the Committee.
- The member is found to be in breach of the Council's Code of Conduct or a serious contravention of the Act.
- A member's conduct, action or comments bring the City of Mandurah into disrepute.

3. Role of City Staff

The following will be issued with a standing invitation to attend Committee meetings, in order to provide advice and guidance to the Committee:

- Chief Executive Officer; and
- Deputy Chief Executive Officer.

Other staff may be invited to attend meetings to discuss specific issues or reviews as and when required.

Such attendees may take part in the discussions and business of the meetings, but have no voting rights.

The Chief Executive Officer will appoint a staff member to assist the Committee as follows:

- (a) Arranging meetings, preparing agendas, preparing minutes;
- (b) Taking action to implement Committee decisions as guided by the City's Governance section in relation to:
 - Obtaining information for the next or future meeting;
 - Preparing a paper for the next or future meeting;
 - Coordinating relevant staff of the City to provide advice at the next or a future meeting;
 - Preparing correspondence dealing with issues addressed in discussion; or
 - Promulgating decisions e.g. reporting, providing or seeking advice on significant correspondence of all kinds.
- (c) Preparing background notes;
- (d) Providing advice to the Chairperson, committee members and committee users on Committee policy and process matters; and
- (e) Maintaining appropriate committee records in an accessible form.

4. Committee Meetings

Quorum

As prescribed by Section 5.19 of the Act, the quorum for Committee meetings shall be at least 50% of the number of offices of the Committee (whether vacant or not).

In the Chairperson's absence, Committee members who are present will select a Chairperson for that particular meeting.

Frequency

Meetings will be held on an ad-hoc basis with meetings to be scheduled where necessary to allow the Committee to discharge its functions.

Agenda

An agenda will be distributed at least 72 hours prior to the meeting, along with the minutes of the previous meeting, reports and other attachments or information to be addressed.

Public Attendance at Meetings

In accordance with Section 5.23 of the Act, the Council or Committee may close to members of the public the meeting or part of the meeting, if the meeting or the part of the meeting deals with a number of aspects as defined by Section 5.23 of the Act.

Voting

Voting occurs in accordance with Section 5.21 of the Act.

Minutes and matters arising

All meetings shall be minuted and minutes shall be approved by the Committee at the next committee meeting.

Reporting

Recommendations of each Committee meeting shall be presented to the next ordinary meeting of the Council.

Confidentiality

All Committee members will be required to adhere to the City's confidentiality requirements. In particular, no confidential information received or generated by the Committee will be disclosed to unauthorised persons.