



# CHIEF EXECUTIVE RECRUITMENT COMMITTEE AGENDA | **2023**

Notice is hereby given that an Ordinary Meeting of the 11th triennium (2022-2025) Chief Executive Recruitment Committee will be held on:

**Date:** 28 April 2023  
**Time:** 10.00am  
**Location:** Council Chambers  
Tuku Road  
Waitangi  
Chatham Islands

## MEMBERSHIP

### CHAIRPERSON

Mayor, Monique Croon

### DEPUTY MAYOR

Keri Lea Day

### MEMBERS

Councillor Celine Gregory-Hunt  
Councillor Amanda Seymour



# TERMS OF REFERENCE

## CHIEF EXECUTIVE RECRUITMENT COMMITTEE

### 1. Definitions

- 1.1 “Act” means the Local Government Act 2002
- 1.2 “Chief Executive” means the individual appointed by Council under s 42 of the Act
- 1.3 “Committee” means the Chief Executive Recruitment Committee
- 1.4 “Council” means Chatham Island Council
- 1.5 “Terms of Reference” means this document and the terms contained therein

### 2. Purpose

- 2.1 To promote efficiency and effectiveness in the conduct of Council’s business by acting for, and advising, the Council on matters which relate to the recruitment of Council’s Chief Executive.

### 3. Operating Principles

- 3.1 Membership of the Committee will comprise of:
  - a. one Chair; and
  - b. one Deputy Chair; and
  - c. two Councillor
- 3.2 Members are to be appointed by Council.
- 3.3 Council may appoint additional Members to the Committee for any such period of time that Council deems appropriate and where doing so is considered appropriate to enable the Committee to discharge its purpose and/or duties and responsibilities.

### 4. Membership

<b>Members</b>	Three Councillors (including Mayor and Deputy Mayor) + fourth member  Mayor, Monque Croon Deputy Mayor, Keri Lea Day Councillor Celine Gregory-Hunt Councillor Amanda Seymour
<b>Quorum</b>	In accordance with Council Standing Order 11.2, the quorum at a meeting of the Committee is to be no fewer than 2 members of the Committee and requires at least one member of the quorum to be a member of Council.
<b>Meeting Frequency</b>	As required to fulfil the purpose, and discharge the responsibilities, of the Committee.
<b>Reporting to</b>	Council

## **5. Duties and Responsibilities**

5.1 The Committee will:

- a. following consultation with Council, undertake such precedent tasks, as are necessary and appropriate in the circumstances, to enable Council to exercise to its power to appoint the Chief Executive. This includes, but is not limited to:
  - i. developing and presenting to Council, for Council's ultimate approval, a process for the recruitment and appointment of a Chief Executive;
  - ii. carrying out or implementing any such process relating to the recruitment and appointment of the Chief Executive;
  - iii. providing recommendations to Council, as the Committee sees fit, in accordance with clause 7 of these Terms of Reference;
- b. develop and carry out the process for the Chief Executive's term expiry following consultation with Council;
- c. if and when appropriate, engage a consultant to assist the Committee at any time; and
- d. do all other things necessary to effect the matters set out in this clause 5.1.

## **6. Delegations from Council to the Committee**

6.1 Council is required to monitor the functioning of all Council committees or joint committees, including the Committee.

6.2 Council will consider matters not within the delegation of the Committee.

6.3 Council may, from time to time, revoke or modify a delegation to a Council committee or joint committee, including this Committee. Such revocations or modifications may be permanent, or for a specified period of time, and/or be for the purpose of addressing a specific matter, if there is good reason to do so.

6.4 The powers delegated to the Committee by Council will be, at all times, subject to the current policies and principles or directions given by Council, from time to time.

## **7. Power to Make Recommendations**

7.1 The Committee may, as it deems appropriate, make recommendations to Council and/or any standing committee.

7.2 The Committee Chair may refer to Council any urgent matters, which would ordinarily be considered by the Committee.

## **8. Power to Act**

8.1 The Committee is required to review these Terms of Reference at least once every five years or at such a time that the current (for the time being) Chief Executive resigns from that role, whichever is sooner, and, if the Committee considers it appropriate or necessary, make recommendations to Council regarding any changes or amendments to them.

8.2 The general delegations to the Committee exclude any specific decision-making powers that are delegated to another Committee of Council or Joint Committee.

8.3 The Committee's power to act under these Terms of Reference is subject to an overriding duty to comply with the Act, and where these Terms of Reference are inconsistent with the Act, the Act shall prevail.

## **9. Limitations on Committee Powers**

9.1 Pursuant to Clause 32(1) of Schedule 7 of the Act, the following matters are prohibited from being delegated to the Committee by Council:

- a. the power to make a rate; and
- b. the power to make a bylaw; and
- c. the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; and
- d. the power to adopt a long-term plan, annual plan, or annual report; and
- e. the power to appoint a chief executive; and
- f. the power to adopt policies required to be adopted and consulted on under the Act in association with the long-term plan or developed for the purpose of the local governance statement; and
- g. the power to adopt a remuneration and employment policy.

9.2 Therefore, and for the avoidance of doubt, the Committee does not have the delegated authority to decide the following matters in relation to the Chief Executive:

- a. the Chief Executive's job description and associated job specifications; or
- b. the appointment process for the role of the Chief Executive; or
- c. the appointment and remuneration package of the preferred candidate for the position of Chief Executive.

9.3 The Committee may make recommendations to Council regarding the matters referred to at subclause 9.2, above, in accordance with clause 7, above, however, the ultimate decision on these matters remain with Council.

## **Document History and Version Control**

<b>Version</b>	<b>Date Approved</b>	<b>Approved By</b>	<b>Brief Description</b>
<b>1.</b>	<b>15 December 2022</b>	<b>Chatham Islands Council</b>	<b>Terms of Reference for a new Committee</b>

# Karakia

Kia hora te marino  
Kia whakapapa pounamu te moana  
Hei huarahi ma tatou I te rangi nei  
Aroha atu, aroha mai  
Tatou I a tatou katoa  
Hui e! Taiki e!

*May peace be widespread  
May the sea be like greenstone  
A pathway for us all this day  
Let us show respect for each other  
For one another  
Bind us all together!*

**AGENDA**  
**Meeting Held Friday 28 April 2023**

- |           |  |          |
|-----------|--|----------|
| <b>2.</b> | <b>Conflicts of Interest</b>                 | <b>7</b> |
| <b>3.</b> | <b>Resolution to go into Public Excluded</b> | <b>7</b> |
| <b>4.</b> | <b>Next Meeting</b>                          | <b>9</b> |
| <b>5.</b> | <b>Mihi/Karakia Whakamutunga - Closing</b>   | <b>9</b> |

## **2. Conflicts of Interest**

Members are reminded to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

## **3. Resolution to go into Public Excluded**

### **Recommendations**

*Section 48, Local Government Official Information and Meetings Act 1987.*

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.  
Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

### **Note**

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- “(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
- a) Shall be available to any member of the public who is present; and
  - b) Shall form part of the minutes of the local authority.”

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item No.	General subject of each matter to be considered	Section	Subclause and Reason under the Act	Plain English reason	When report can be released
6.	Chief Executive Recruitment	Good reason to withhold exists under Section 7	7(2)(a) To protect the privacy of natural persons 7(2)(b)(ii) Would likely unreasonably prejudice the commercial position of the person who is the subject of the information. 7(2)(g) To maintain legal professional privilege. 7(2)(i) Conduct of negotiations 7(2)(j) Prevention of improper advantage	The report contains details of the applicants who have applied for the position and their names, details and evaluations must be kept in public excluded to protect them and the process.	This report cannot be released from public excluded at any time.

AND

That Catherine McMillan, General Manager Governance, Sue Allen, People and Capability and Petrea Downey, Committee Advisor, all from Environment Canterbury, be permitted to remain at this meeting after the public have been excluded for all items of the public excluded agenda as they have knowledge that is relevant to those items and will assist the Committee.



#### **4. Next Meeting**

The next meeting of the Committee is scheduled to be held on Monday, 22 May 2023. Any changes to this time will be publicly advertised on the Chatham Island Council Facebook page.

#### **5. Mihi/Karakia Whakamutunga - Closing**

The meeting will conclude with a karakia by a member of the Council.