

I hereby give notice that an ordinary meeting of the Appointments, Performance Review and Value for Money Committee will be held on:

**Date:** Wednesday, 4 April 2018  
**Time:** 1.30pm  
**Meeting Room:** Room 1, Level 26  
**Venue:** 135 Albert St  
Auckland

---

## Appointments, Performance Review and Value for Money Committee

### OPEN ADDENDUM AGENDA

---

#### MEMBERSHIP

<b>Chairperson</b>	Hon Phil Goff, CNZM, JP
<b>Deputy Chairperson</b>	Hon Christine Fletcher, QSO
<b>Members</b>	Cr Josephine Bartley Cr Ross Clow Cr Chris Darby Cr Desley Simpson, JP Cr Richard Hills Cr Penny Hulse
<b>Ex-officio</b>	Deputy Mayor Cr Bill Cashmore IMSB Chair David Taipari

(Quorum 5 members)

**Suad Allie**  
**Governance Advisor**

**29 March 2018**

Contact Telephone: (09) 977 6953  
Email: [suad.allie@aucklandcouncil.govt.nz](mailto:suad.allie@aucklandcouncil.govt.nz)  
Website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)



---

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
10	Chief Executive's Employment Review Process	5
<b>PUBLIC EXCLUDED</b>		
	Procedural motion to exclude the public	7
C3	CONFIDENTIAL - Chief Executive's Employment Review Process	7



## Chief Executive's Employment Review Process

File No.: CP2018/04168

Item 10

### Te take mō te pūrongo / Purpose of the report

1. To consider the process for undertaking the Chief Executive's employment review.

### Whakarāpopototanga matua / Executive summary

2. The Chief Executive's employment contract expires on 31 December 2018. Under the Local Government Act 2002 (LGA 2002) the Governing Body can extend the Chief Executive's term of employment by up to a further two years without advertising a vacancy. The contract can only be extended if an employment review is completed not less than six months before the expiry of the contract.
3. Under Schedule 7 of the LGA 2002, the employment review must assess:
  - the performance of the Chief Executive
  - the mix of skills and attributes possessed by the Chief Executive, and the degree to which they are consistent with the skills and attributes that the council considers necessary for the future
  - any other factors the council considers relevant.
4. The responsibility for completing the review rests with the Governing Body, but it can delegate the task to the Appointments, Performance Review and Value for Money (APRVFM) Committee. The decision to extend the Chief Executive's contract can only be made by the Governing Body.
5. The APRVFM Committee's current delegation is not broad enough to fulfil the Schedule 7 obligations. If the committee wishes to undertake the employment review, the committee's Terms of Reference needs to be modified and approved by the Governing Body.
6. The proposed timetable for the employment review is:
  - 4 April 2018: The APRVFM Committee receives advice on the Chief Executive's employment review process and proposal to amend the committee's Terms of Reference to enable it to undertake an employment review
  - 19 April 2018: The Governing Body receives advice on the Chief Executive's employment review process and agreement is sought to amend the APRVFM Committee's Terms of Reference to undertake the employment review
  - 3 May and 7 June 2018: The APRVFM Committee receives advice to support its conversation with the Chief Executive, and the committee completes its requirements under the LGA 2002 by 30 June 2018
  - from 1 July 2018: The Governing Body receives advice from the APRVFM Committee.
7. Staff recommend the remainder of the committee's discussion on the process for the employment review is conducted in the confidential agenda. This is because the discussion may include the Chief Executive's current or past performance, changes to the Chief Executive's contract, changes to the Chief Executive's employment terms and conditions and details relating to the 2013 Chief Executive's recruitment.

## Ngā tūtohunga / Recommendation/s

That the Appointments, Performance Review and Value for Money Committee:

- a) note the contents of this report.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

8. Local board views have not been sought for this paper as the responsibility for the employment of the Chief Executive rests with the Governing Body.

## Tauākī whakaaweawe Māori / Māori impact statement

9. The Chief Executive plays a key role in discharging Auckland Council's Treaty of Waitangi and statutory obligations to Māori. Those obligations are reflected in the Chief Executive's current performance objectives which expire on 31 December 2018.

## Ngā ritenga ā-pūtea / Financial implications

10. There are no financial implications associated with this process report.

## Ngā raru tūpono / Risks

11. The risks associated with the approach outlined in this report are one of timeliness. It is a legislative requirement that the council undertake an employment review not less than six months before the expiry of the Chief Executive's contract. An employment review is not required if the Chief Executive has notified the council that he does not intend to seek a contract extension.
12. There is sufficient time to complete the employment review process by 30 June 2018. This is predicated on this committee undertaking the employment review in a timely manner. Therefore it is important that the Governing Body modifies the committee's Terms of Reference at its April's meeting to ensure the committee has at least two formal meetings to consider the review in partnership with the Chief Executive.

## Ngā koringa ā-muri / Next steps

13. The next steps are subject to the decisions of this committee. An outline of the proposed next steps and key dates are contained in paragraph 6.

## Ngā tāpirihanga / Attachments

There are no attachments for this report.

## Ngā kaihaina / Signatories

Authors	Patricia Reade - Director People and Performance Richard Harker - Senior Solicitor
Authorisers	Patricia Reade - Director People and Performance Phil Wilson - Governance Director

## Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Appointments, Performance Review and Value for Money Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

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, as follows:

### C3 CONFIDENTIAL - Chief Executive's Employment Review Process

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>In particular, this report contains information that relates to the Chief Executive's Employment Review process. Committee members may discuss matters relating to the Chief Executive's current performance, changes to the Chief Executive's contract, and the terms and conditions of the Chief Executive's employment.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>In particular, this report contains information that relates to the Chief Executive's Employment Review process. Committee members may discuss matters relating to the Chief Executive's current performance, changes to the Chief Executive's contract, and the terms and conditions of the Chief Executive's employment.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>