

## ITEM NUMBER: 14.4

### ATTACHMENT 2

## CONFIDENTIAL MINUTES – EXECUTIVE COMMITTEE MEETING – 6 JUNE 2023

*Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:*

- a. **information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).**

**Confidential Minutes of the Executive Committee of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton on Tuesday 6 June 2023 at 5:00pm.**

## **5. CONFIDENTIAL REPORTS BY OFFICERS**

### **5.1 2022/23 Performance Review – Chief Executive Officer (Report No: 175/23)**

#### **Motion – Exclusion of the Public Section 90(3)(a)**

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* Executive Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager Community and Business and Staff minute taker in attendance at the meeting in order to consider Report No: 175/23 2022/23 Performance Review – Chief Executive Officer in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* the Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 2022/23 Performance Review – Chief Executive Officer on the following grounds:**
  - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 175/23 2022/23 Performance Review – Chief Executive Officer is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Chief Executive Officer, Mr Roberto Bria, in that details of his performance review will be discussed, which are sensitive and are details only known to those who have participated in the discussion.**
- 3. The Executive Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Patton, Seconded Councillor Lonie

**Carried Unanimously**

The Executive Committee is charged with the responsibility for undertaking the annual performance review of the Chief Executive Officer (CEO).

This report outlines the results of the CEO's 2022/23 performance review for consideration by the Executive Committee.

Ms Christine Molitor, Independent Advisor to the Executive Committee, will provide a written report for consideration of the Committee at its meeting on Tuesday 27 June 2023. Following receipt of the independent advice, the Committee will recommend to Council changes to the Chief Executive's remuneration package and/or contract as a result of the review.

**Motion**

1. The Executive Committee notes the results of the Chief Executive Officer's Performance Review for 2022/23.

**RETAIN IN CONFIDENCE - Section 91(7) Order**

2. That having considered Agenda Item 5.1 2022/23 Performance Review – Chief Executive Officer in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 24 months and this order be reviewed every 12 months.

Moved Councillor Lindop, Seconded Councillor Lonie

**Carried Unanimously**

CONFIDENTIAL

**5.2 Performance Review Process – Chief Executive Officer (Report No: 192/23)****Motion – Exclusion of the Public Section 90(3)(a)**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Executive Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager Community and Business and Staff minute taker in attendance at the meeting in order to consider Report No: 192/23 Performance Review Process – Chief Executive Officer in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* the Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 192/23 Performance Review Process – Chief Executive Officer on the following grounds:
  - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 192/23 Performance Review Process – Chief Executive Officer is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Chief Executive Officer, Mr Roberto Bria, in that details of his performance review will be discussed, which are sensitive and are details only known to those who have participated in the discussion.
3. The Executive Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Patton

**Carried**

The Executive Committee is charged with the responsibility for undertaking the annual performance review of the Chief Executive Officer (CEO). One of the Committee's responsibilities is to recommend to Council the form and process of the Chief Executive Officer's annual performance review.

At its meeting on 11 April 2023, the Executive Committee advised Council it would undertake a review of the process and indicators for the 2023/24 performance review of the Chief Executive Officer.

This report outlines the review that has been undertaken providing findings and recommendations for consideration by the Executive Committee.

Councillor O'Donohue joined the meeting at 5.30pm

**Motion**

1. The Executive Committee notes the report reviewing the Chief Executive Officer's Performance Review Process and Indicators; and
2. The Mayor and Independent Advisor to the Executive Committee consult with the Chief Executive Officer on the report's recommendations and provide feedback at the next Executive Committee meeting on 27 June 2023.

**RETAIN IN CONFIDENCE - Section 91(7) Order**

3. That having considered Agenda Item 5.2 Performance Review Process – Chief Executive Officer in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 24 months and this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Patton

**Carried**

**CONFIRMED**

**27 June 2023**

**CHAIRMAN**