



Agenda

**Notice is hereby given of
a Chief Executive's Performance Review
Committee Meeting**

Tuesday 17 February 2026

9:30 AM

Council Chamber
Waimate District Council
125 Queen Street
Waimate

www.waimatedc.govt.nz

Notice is hereby given that a meeting of the Chief Executive's Performance Review Committee will be held in the Council Chamber, Waimate District Council, 125 Queen Street, Waimate, on Tuesday 17 February 2026, 9:30 AM.

Committee Membership

Stacey Swale	Councillor (Chair)
Craig Rowley	Mayor
Rick Stevens	Councillor
Jakki Guilford	Councillor

Quorum – no less than three members

Significance Consideration

Evaluation: Council officers, in preparing these reports have had regard to Council's Significance and Engagement Policy. Council and Committee members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council or Committee explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.

Decision Making

The Council, in considering each matter, must be:

- i. Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decision;
- ii. Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.

Stuart Duncan
Chief Executive

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OPENING

1 PUBLIC FORUM

There is no public forum offered for this committee of Council.

2 APOLOGIES

3 VISITORS

4 CONFLICTS OF INTEREST

As per the Local Authorities (Members' Interests) Act 1968 (as below), the Chair will enquire if there are any Conflicts of Interest to be declared on any item on the agenda, and if so, for any member to declare this interest.

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

5 IDENTIFICATION OF MAJOR (URGENT) OR MINOR ITEMS NOT ON THE AGENDA

1. The Chair will call for any major (urgent business) or minor items not on the agenda to be raised according to Standing Orders, as below:

a. Standing Orders 3.7.5 – Major Items

An item not on the agenda for a meeting may be dealt with at the meeting if the local authority by resolution so decides, and the presiding member explains at the meeting at a time when it is open to the public –

- i. The reason why the item was not listed on the agenda; and
- ii. The reason why discussion of the item cannot be delayed until a subsequent meeting.

b. Standing Orders 3.7.6 – Minor Items

An item not on the agenda for a meeting may be dealt with at the meeting if –

- i. That item is a minor matter relating to the general business of the local authority; and
- ii. The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- iii. No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

REPORTS

6 GENERAL REPORTS

6.1 CHIEF EXECUTIVE'S PERFORMANCE REVIEW COMMITTEE - TERMS OF REFERENCE REVIEW

Author: Grace Aikman, Human Resources Manager

Authoriser: Grace Aikman, Human Resources Manager

Attachments: 1. 2023 Chief Executive's Performance Review Committee Terms of Reference  

PURPOSE

1. For the Chief Executive's Performance Review (CEPR) Committee to receive the Terms of Reference, as attached, and to undertake a review.

BACKGROUND

2. The CEPR Committee Terms of Reference require a review every three years. The current Terms of Reference were adopted in May 2023 and are therefore due for review in May 2026.
3. A draft amended Terms of Reference is not being presented at this stage, to allow the CEPR Committee to first consider the existing document and identify any areas for amendment.

PROPOSAL

4. That the CEPR Committee review the Terms of Reference and provide any recommended amendments to the Committee for consideration at the next meeting, noting that the Terms of Reference include the Deputy Mayor as a member, although the Deputy Mayor has not yet been appointed.
5. That, noting the timing of the next scheduled Committee meeting, the review be progressed between meetings, in consultation with Human Resources, to ensure the review is completed prior to the scheduled review date, with adoption at the next meeting.

RISK

6. The risk of not undertaking regular reviews of the CEPR Committee Terms of Reference is that the Chief Executive's annual performance review process may not comply with legislative requirements and/or the terms and conditions of the Chief Executive's employment agreement.
7. A further risk is that the next scheduled meeting of the CEPR Committee is not until 25 August 2026, which is after the scheduled review date of May 2026. This may result in delays to updating the Terms of Reference if not managed proactively.

ASSESSMENT OF SIGNIFICANCE

8. This item is not considered significant under Council's Significance and Engagement Policy.

FINANCIAL

9. There are no financial implications associated with this report.

RECOMMENDATION

1. That the Chief Executive's Performance Review Committee - Terms of Reference Review report is received.



Chief Executive's Performance Review Committee: Terms of Reference

Type of Committee	Committee
Subordinate to	Council
Legislative Basis	Schedule 7, clause 30 (1) (a), Local Government Act 2002 and any other relevant legislation.
Purpose	To review the performance of the Chief Executive as per the requirements of legislation and the Chief Executive's contractual terms and conditions and make recommendations to Council in relation to this.
Membership	The Mayor, Deputy Mayor and two Councillors
Quorum	Three
Meeting Frequency of Committee	Annually in July and where required to meet the terms and conditions of the Chief Executive's employment contract.
Responsibilities	<ul style="list-style-type: none"> • To review the performance of the Chief Executive annually and as per the legislative requirements of the Local Government Act 2002. <p>This may include Schedule 7, clause 35 of the Local Government Act, whereby:</p> <ol style="list-style-type: none"> (1) A local authority must, not less than 6 months before the date on which the chief executive's contract of employment for the first term expires, conduct and complete a review of the employment of the chief executive. (2) The review must assess— <ol style="list-style-type: none"> (a) the performance of the chief executive; and (b) 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 local authority considers necessary for the future; and (c) any other factors that the local authority considers relevant. (3) To avoid doubt, responsibility for determining the degree to which any factors in subclause (2)(a) and (b) apply to a review, and the relevance of any additional factors under subclause (2)(c), rests solely with the local authority.

	<p>(4) Subclause (1) does not apply if the incumbent chief executive declares in writing to the local authority that he or she does not wish to be considered for appointment to a second term.</p> <ul style="list-style-type: none"> • To review the performance of the Chief Executive at any other time as set by the terms and conditions of the Chief Executive's employment contract. • To establish annual performance targets in agreement with the Chief Executive for the forthcoming year. • To establish a protocol for the recruitment of a Chief Executive when this is required. • To make recommendations to Council in relation to the above.
Delegation Limitations	The committee does not have the delegated authority to make decisions for and on behalf of the Council. All matters requiring a decision of Council must be referred, by way of recommendation, to the Council for final consideration and determination (including Terms of Reference Reviews).
Committee Membership Appointments	At the beginning of each triennium of the Council, following elections.
Terms of Reference Reviews	At least every three years prior to the Chief Executive's annual performance review.
Terms of Reference Review Date	May 2023
Document Control	Any document's relating to the Chief Executive's Performance Review are held (in addition to any other required place), by the Human Resource Manager for the Committee's reference.

PUBLIC EXCLUDED

7 EXCLUSION OF THE PUBLIC REPORT

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter 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 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<p>7.1 - Chief Executive's Performance Review Process</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

8 RE-ADMITTANCE OF THE PUBLIC REPORT
MEETING CLOSURE