

Mayor and Chief Executive Officer Memorandum of Understanding

The working relationship between the Mayor as the leader of the Council and the Chief Executive Officer (CEO) leading the Council organisation is one of the most important relationships in local government. Mayors and CEOs recognise that the breakdown in this relationship can have long lasting, negative impacts on the capacity of local government to deliver value for money services to its community.

A mutually respectful, productive and professional working relationship between the Mayor and the Chief Executive Officer is crucial to the good governance of the Shire.

This memorandum of understanding between the Mayor of the Campaspe Shire Council and the Campaspe Shire Council CEO, Declan Moore sets out how the relationship between the two most crucial positions on the Council will operate.

The following matters are agreed to:

1. Commitment

We will strictly comply with the requirements and the spirit of the Local Government Act and ensuring that responsibilities are adhered to and respected. We will ensure that the elected, political body (Councillors, Council) and the administrative, operational body (staff) work in harmony, collaboratively where required and respect each other's role.

2. Agreement on roles and responsibilities

The *Local Government Act 1989* has a basic list of the roles and responsibilities of the Mayor and the CEO. These are:

The functions of the Mayor of a Council include:

- (a) providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
- (b) acting as the principal spokesperson for the Council; and
- (c) supporting good working relations between Councillors; and
- (d) carrying out the civic and ceremonial duties of the office of Mayor.

A Chief Executive Officer is responsible for:

- (a) establishing and maintaining an appropriate organisational structure for the Council; and
- (b) ensuring that the decisions of the Council are implemented without undue delay; and
- (c) the day to day management of the Council's operations in accordance with the Council Plan; and
 - ca) developing, adopting and disseminating a code of conduct for Council staff; and
- (d) providing timely advice to the Council; and
 - da) ensuring that the Council receives timely and reliable advice about its legal obligations under this Act and any other Act; and
 - db) supporting the Mayor in the performance of the Mayor's role as Mayor; and
- (e) carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the *Accident Compensation Act 1985* or the *Workplace Injury Rehabilitation and Compensation Act 2013*; and
- (f) performing any other function or duty of the Chief Executive Officer specified in this Act or any other Act.

Mayor and Chief Executive Officer Memorandum of Understanding

- (g) The Chief Executive Officer may appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be carried out and to enable the Chief Executive Officer to carry out her or his functions.

The Chief Executive Officer is responsible for appointing, directing, managing and dismissing Council staff and for all other issues that relate to Council staff.

The Chief Executive Officer is responsible for managing interactions between Council staff and Councillors including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors.

3. Critical behaviours to ensure the CEO and Mayor remain positive role models to staff and elected members

Staff and elected members will normally model their behaviours on those in leadership positions in the organisation with the main positions being the Mayor and the CEO.

The critical behaviours and skills expected of the Mayor and the Chief Executive Officer are:

- Respecting each other's roles and responsibilities, showing respect to other Councillors and to staff
- Strong communication skills, including listening and the ability to build rapport.
- Paying attention to their individual performance, especially their positive behaviours and attitudes they display
- Encouragement of teamwork and co-operation, support others in their growth and development, and recognise the positive behaviours and attitudes they display.
- Treating all people with courtesy and respect
- Communicate with others what standards you expect
- Be consistent and talk positively about the organisation

4. Shared responsibility for developing and promoting Council's vision

Once Council has decided on its vision for its term the promotion of the vision will be one of the main responsibilities of the Mayor and the CEO. An agreed understanding between the Mayor and the CEO on how the vision will be achieved will be crucial to the community's support for the vision.

5. Mutual expectations

There is a mutual expectation that there will be "no surprises" in public forums, no differences of opinion aired in public, public support for each other, feedback provided to each other in a positive, constructive manner when things could have been done better, sharing of intelligence and open and honest interactions.

6. Arrangements to brief Mayor on Council agendas and reports and other issues

On the Friday prior to the Council briefing and meeting the Mayor and CEO will meet to discuss the agenda items. Briefing on other issues will occur on a day to day basis and timed to ensure there are no surprises.

7. Consultation on future Council reports and unscheduled meetings

The CEO and the Mayor will consult on topical reports coming to future Council meetings and the need for unscheduled meetings, briefings and Councillor only sessions.

Mayor and Chief Executive Officer Memorandum of Understanding

8. What the Mayor won't be briefed on

The CEO has a statutory requirement under various legislation to maintain complete confidentiality. Staffing matters are the responsibility of the CEO and won't be discussed.

If the Mayor is approached by other staff on matters that are clearly within the realm of the CEO the Mayor will advise the CEO of such contact.

9. CEO's access policy

The Mayor and the CEO will have each other's phone contact details. The CEO and the Mayor should make a regular time and day to meet to discuss Council business. Other meetings should be arranged through the relevant personal assistants. There should also be an agreement on what issues will instigate out of hours contact.

10. Alternative contact to provide guidance

If the Mayor is seeking guidance on an issue and the CEO is unavailable the Mayor should discuss the issue with the relevant General Manager. If the matter relates to the Local Government Act the Mayor may also seek advice from the Governance Manager.

11. Unplanned contact

Occasionally the Mayor and the CEO will see members of staff in the street, at sporting and community events, the supermarket and with family members and friends. It is polite and friendly to speak to each other, but it is preferable that Council business is not discussed.

12. Differences of Opinion

If there is a difference of opinion between the Mayor and the CEO this will not be discussed in public and dealt with in a private meeting.

13. CEO's delegation

It is normal for the CEO to have broad ranging delegation to assist in the efficient administration of the Council. The CEO may from time to time to due to its sensitive nature put to Council a matter that would normally be made under delegation.

14. Arrangements for discussing and reviewing the CEO's performance including what role elected members play

The CEO's performance review will be undertaken in accordance with Council policy and the CEO's employment contract. The Mayor will normally chair the sub-committee and will confidentially seek other Councillors' comments about the performance of the CEO.

15. Attendance at official meetings and briefings

Where both the Mayor and the Chief Executive Officer have been invited to official meetings and briefings, the Mayor will be the official spokesperson for the Council.

Where possible the Mayor and the CEO will travel together to meetings.

Mayor and Chief Executive Officer Memorandum of Understanding

16. Community events

Where both the Mayor and the CEO have been invited to community events the Mayor will be the official spokesperson for the Council. If the Mayor is unavailable, then the Deputy Mayor should stand in and if that person is not available a ward Councillor should represent the Council.

17. Invitations

Each other should be aware of invitations that have been received and if unsure about attendance discuss options.

18. Managing media

Under the *Local Government Act 1989* the Mayor is the principal spokesperson for Council. In that role the Mayor will support and promote the decisions of Council regardless of his/her personal opinion. Generally, the Mayor will deal with policy, strategy and political issues and the CEO with operational matters. Political issues may include comments/actions by other Councillors. The Mayor will have direct access to the Communications Manager to assist in responding to media enquiries. Any media releases quoting the Mayor will require his clearance prior to issue.

19. Assistance in speech writing

The Communications Manager will prepare speeches for the Mayor if requested.

20. Public relations

The Communications Manager is available to provide advice to the Mayor. Quite often the Manager will get early intelligence on matters that may become media issues and will advise the Mayor and the CEO of such matters and recommend a course of action for their consideration.

21. Mayoral entitlements and allowances

This is mandated by Council policy.

22. Mayoral technology requirements

This is mandated by Council policy.

23. Mayoral administrative support and how to access it

Administrative support for the Mayor is provided by the Council Support Officer who can be approached directly.

24. Specific training requests

Training requests for both positions should be discussed and agreed on.

25. Building access protocols

The Mayor will be provided with an access card which allows him to access the executive section of the office which houses the CEO, communications staff and the governance staff.

Mayor and Chief Executive Officer Memorandum of Understanding

26. Mayor's access to staff

The Mayor will have access to the CEO, General Managers, Governance Manager, Communications Manager and Council Support Officer.

27. Business cards

If the Mayor wishes to have a different business card than the standard corporate style, permission of the CEO should be sought.

28. Protocols and links to other levels of Government, e.g. State and Federal MPs

Normally the Mayor and the CEO will be invited by other levels of government to announcements, official openings and presentations. If the Council is invited to make a speech this should be given by the Mayor.

Quite often local MP's will make enquiries of both the Mayor and the CEO on particular issues. The Mayor should deal with matters of policy and the CEO deal with operational matters.

29. Introduction to contacts

The Mayor and the CEO should introduce each other to contacts that will assist them in performing their duties.

30. Name preference

The Mayor and the CEO should agree on how they would like to be addressed remembering that in formal situations proper titles should be used.

31. Disputes

If the Mayor and CEO are in dispute over a matter/s and a satisfactory resolution cannot be found the services of an agreed independent mediator will be sought. The cost of the mediator will be paid for by the Council.

This memorandum of understanding was agreed to by

the Mayor of the Campaspe Shire Council, Cr Adrian Weston

and

the Campaspe Shire Council CEO, Declan Moore

on the 12 day of November year 2019

Signature A. Weston

Signature Declan Moore

Cr Adrian Weston

Declan Moore

Mayor

Chief Executive Officer

Councillor Memorandum of Understanding

It's time for a new start. As a Councillor I commit to undertaking my role with good will and consideration of others. I will let go of past grievances and move forward to give the community the leadership it deserves – interdependent, mature and collaborative.

*I will live, to the best of my ability, the **values** that we as Councillors have committed to.*

These are:

▪ **Respect**

- I will discuss with the CEO all notices of motion prior to lodging them.
- I will discuss with the CEO and/or relevant General Manager any officer's recommendation that I seek an alternative approach to.
- I will informally discuss with fellow Councillor/s any of my concerns about their actions and work to find a resolution before I commence the formal dispute resolution process. I will treat these matters as confidential.
- I will be respectful at all times to fellow Councillors, staff and members of the community.
- I will not make derogatory statements about another Councillor or staff member to the media, the community, to other staff, to other Councillors or on social media.
- I will take the time to listen and seek to understand the other point of view.
- I will support fellow Councillors and staff if they are treated unfairly or without respect.

▪ **Customer Focussed**

- I will take into account all views on a subject to inform myself prior to voting on a matter.
- I will encourage active community participation in civic life.
- I will not seek preferential treatment in the delivery of customer service.
- I will encourage community members to use Council's Customer Service request system in the first instance.

▪ **Continuous Improvement**

- I will continually look at ways of improving my performance as a Councillor.
- I will endeavour to read all material and make enquiries of relevant people to ensure that I am fully prepared for all meetings.
- I will put my hand up when I do not understand something.
- I will have the courage to try new ideas.
- I will strive for excellence in everything I do.
- I will have the perseverance and commitment to accomplish goals in the best interest of the community.
- I will accept responsibility for my mistakes and use them as an opportunity for learning and growth.

Councillor Memorandum of Understanding

▪ **Teamwork**

- I acknowledge the fact that Council decisions are made through a democratic process and I will not always have my preferred resolution supported.
- I will call out poor behaviour in a respectful way.
- I will adhere to the Council's media and social media policy.
- I will contribute to a positive and safe working environment.
- I will respectfully acknowledge differing points of view.
- I will support the Mayor in the performance of his/her role.
- I will be mindful of the tone of my speech, use moderate language, ensure my body language is appropriate and I will always focus on the issue and not on the person.
- I will inform the chair if I need to leave the room during a briefing session.
- My attendance will be punctual.
- I will strive to understand and respect the diversity of our community and our workplace.

▪ **Accountability**

- I acknowledge that I am accountable to my fellow Councillors, the community and the government of the day.
- I will not leak information.
- I will not publicly criticise Council decisions even if I don't support them.
- I will prepare reports for training and other courses that I attend.
- I will focus on helping the Council move forward.
- I will err on the side of caution when deciding whether to declare a conflict of interest.
- I will uphold the highest standards of integrity.
- I will take responsibility for my actions.
- I will tell the truth even when I know people may not want to hear it.
- I will act with humility and apply the highest standards of ethical behaviour to everything I do.
- I will be present and participate in Briefing Sessions.



Councillor Memorandum of Understanding

Declaration

Councillor Signature


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Councillor Daniel Mackrell

9/12/2019
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Date *Sibilla*
9/12/2019


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Councillor Kristen Munro

12.11.19
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Date


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Councillor Vicki Neele

12.11.19
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Date


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Councillor Neil Pankhurst

12/11/19
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Date


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Councillor Leanne Pentreath

12/11/19
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Date


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Councillor Annie Vickers

12/11/2019
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Date


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Councillor Adrian Weston

12-11-2019
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Date


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Councillor Leigh Wilson

12-11-2019
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Date


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Councillor John Zobec

12-11-2019
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Date

CEO (AS WITNESS) SIGNATURE


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Declan Moore, Chief Executive Officer

12-11-2019
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Date