

CITY OF WEST TORRENS



Confidential Report Items 21.1 and 21.2

of the

COUNCIL MEETING

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 2 NOVEMBER 2021
at 7.00pm

Pursuant to Section 83 (5) of the *Local Government Act 1999* the Confidential Items for the Council meeting are delivered to the Council Members upon the basis of my recommendation that the matters to which the Agenda relates be received, considered and discussed by the Council in confidence under Part 3 of the Act.

Terry Buss PSM
Chief Executive Officer

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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Released

21.2 Chief Executive Officer's Performance - 2021

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

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

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.2 - Chief Executive Officer's Performance - 2021, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(a) because the matter relates to the negotiations and details of the contractual employment arrangements of an employee and disclosure may breach a duty of confidence owed to the employee and result in the unreasonable disclosure of information concerning the personal affairs of the employee.
2. At the completion of the confidential session the meeting be re-opened to the public.

Brief

To provide Council with a report from the Chief Executive Officer's Performance Review General Committee on the Chief Executive Officer's performance in the twelve months to 30 June 2021.

RECOMMENDATION(S)

It is recommended to Council that:

1. The 'Appraiser' section of the Assessment Tool as presented in this report be endorsed.
2. The Chief Executive Officer be commended on his performance, which has been assessed overall as **meeting or exceeding expectations**, and confirm that his TEC will not change, given the need for restraint in the face of the COVID-19 pandemic.
3. Five days extra paid leave be granted to the Chief Executive Officer given the remuneration component of the TEC for the Chief Executive Officer will not change for the second year in a row and in recognition of the Chief Executive Officer meeting and/or exceeding expectations in his performance for the year under review.
4. The General Manager Urban Services, Angelo Catinari, be recognised for his outstanding performance as Acting Chief Executive Officer during the Chief Executive Officer's absences.

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999*, the Council orders that the Item 21.2 - Chief Executive Officer's Performance - 2021, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(a), be kept confidential and not available for public inspection for a period of 6 months from the date of this meeting, on the basis that the matter relates to the negotiations and details of the contractual employment arrangements of an employee and disclosure may breach a duty of confidence owed to the employee and result in the unreasonable disclosure of information concerning the personal affairs of the employee.

2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

Introduction

In previous years, the CEO Performance Review Committee has considered three items of business:

- A review of the CEO and Elected Member assessments;
- The CEO's remuneration, and
- Contractual matters.

Given the decision of the Council to extend the CEO's contract until 31 December 2023, only an assessment of the CEO's performance is required to be conducted this financial year.

Discussion

The CEOs self-evaluation along with ratings agreed by the Committee at its meeting on 21 October 2021 is provided in **Attachment 1** and will be signed off by the Mayor and CEO, subject to Council ratification, to conclude the 2021 review.

Detailed ratings and comments on the CEO's performance are provided in **Attachment 2**.

A revised review tool, which is much simplified from that used previously, was endorsed by Council on 19 April 2016.

13 responses were received from 15 Elected Members.

The scores assigned by the 13 Elected Members are summarised (following) in **table one**, while **table two** records the total raw scores and percentages for each domain.

Table One – Raw Scores by Domain

Assessment	Below 1	Met 2	Exceeded 3	Total Score	Max	%age
People Management	0	1	12	38	39	97.4%
Financial & Asset Management	0	2	11	37	39	94.9%
Operations Management & Major Projects	0	4	9	35	39	89.7%
Self-management	0	2	11	37	39	94.9%
Stakeholder Relationships	0	0	13	39	39	100.0%
Communication	0	1	12	38	39	97.4%
Advice to and relationship with Council	0	0	13	39	39	100.0%
Strategic Leadership	0	2	11	37	39	94.9%
Combined	0	12	92	300	312	96.2%

Table Two – Total Raw Scores & Percentages

	Below	Met	Exceeded	Total
Raw Scores	0	12	92	104
Percentages	0	11.54%	88.46%	100.00%

Note that **100 per cent** of all ratings were for "**met expectations**" and above.

Remuneration

In the face of the COVID-19 pandemic, it is not proposed that the remuneration of the CEO be increased in the 2021/22 financial year. The CEO's current total employment contract (TEC) is \$344,064.

The CEO Performance Review Committee did however resolve to propose five days extra paid leave given the remuneration component of the TEC for the Chief Executive Officer will not change for the second year in a row and in recognition of the Chief Executive Officer meeting and/or exceeding expectations in his performance for the year under review.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct climate impact in relation to this report.

Conclusion

The Chief Executive Officer's Performance Review General Committee has recommended that the Council endorse the completed review documentation and adopt its recommendations (above) to complete the 2021 Review.

Attachments

1. **Chief Executive Officer's Performance Appraisal 2021**
2. **Elected Member Feedback**

STRICTLY PRIVATE AND CONFIDENTIAL

City of West Torrens

AMENDED (2016)

Performance Review Process

(In accordance with clause 7 and 8 of the CEO employment agreement)

Chief Executive Officer

NAME: TERRY BUSS

INTERVIEW DATE: 21 October 2021

REVIEW PERIOD: July 2020 to June 2021

Issue Date 26/10/2021

1 of 9

NOTES

1. The CEO self-rated his performance and his ratings are **recorded in blue**.
2. 13 of 15 Elected Members rated the CEO's performance using the same scale.
3. A **summary** of Elected Member feedback (comments and ratings) was provided to the CEO's Review Committee.
4. The following rating scale was used:

- | | |
|----------|--------------------------------------|
| 0 | Unable / unwilling to comment |
| 1 | Below expectations |
| 2 | Met expectations |
| 3 | Exceeded expectations |

5. The Committee recommended and Council endorsed the **ratings in red**.

DOMAIN	EXPECTED BEHAVIOUR	0	1	2	3	CEO's Comments
<p>Operating Edge</p>	<p>People management: The CEO demonstrates leadership in driving positive outcomes in relation to recruitment, retention, remuneration, training, performance appraisal, induction, professional development and industrial relations and actively promotes and develops a positive staff culture and safe working environment.</p>					<p>I take special care to ensure that my management team performs strongly as a unit. In doing so I also calibrate individual relationships, maintaining the distance to be objective but close enough to gain trust and loyalty. A long-serving staff member of the Executive Team retired in December 2020 and a permanent replacement for that GM position has taken some time to finalise. Accordingly, with a new person coming on board a new dynamic for the Exec Team will be in play so my attention will be required to ensure the team continues to be cohesive, influential and effective.</p> <p>I require my management team to coordinate their decision making and resource allocation to ensure that management processes reinforce corporate priorities and that we work together to deliver our annual budget and business plan.</p> <p>I also ensure that we have an effective risk operating model, governance structure and risk culture and I take a methodical approach to matching talent with roles that create the most value for the organisation.</p> <p>I recognise the positive benefits that can be gained from diversity and I encourage diverse views. I appreciate the different working styles of individuals and factor this into the management of people and tasks.</p> <p>I believe I manage with a conscience and I place integrity, ethics, and trust above all else. I also try to see things from different perspectives and treat people with respect and courtesy.</p>

DOMAIN	EXPECTED BEHAVIOUR	0	1	2	3	CEO's Comments
Operating Edge (cont)	<p>Financial and asset management: The CEO ensures Council's long term financial sustainability through sound financial and asset planning, budget management and financial reporting.</p> <p>Operations management and major projects: The CEO oversees all of Council's operations to ensure delivery of effective, efficient and high quality services to the community and the delivery of major projects on time and within budget.</p>					<p>Evidenced by our strong and positive financial indicators and continued focus on asset management and financial sustainability. Our long-term key financial indicators covering Operating Result, Sustainability, Liquidity and Loan Servicing Capacity are all positive and on the right side of the ledger through to 2030/31. The emergence of COVID-19 required the 2020/21 budget to be redrafted to take into consideration impacts upon our community. The resulting budget reflected minimisation of costs, with funds allocated to support and stimulate the community and economy directly impacted by the pandemic. The balanced budget included \$62.3 million operating expenditure, \$27.3 million capital expenditure and a COVID Reserve of \$1.7 million and this was achieved with a modest 1% rate increase. Of course the economic impact of the COVID pandemic is still uncertain on Council's long-term financial position but we are well placed to respond as the need arises.</p> <p>The role of CEO comes with significant responsibility but also presents many challenges in delivering the expected operational and service delivery functions of the organisation. In my role I believe I effectively manage Council's operations and business including its delegated functions and powers, the employment of staff, delivery of projects, and implementation of Council decisions including the budget and annual business plan.</p>

DOMAIN	EXPECTED BEHAVIOUR	0	1	2	3	CEO's Comments
Operating Fdge (cont)	<p>Self-management: The CEO demonstrates abilities around time management, goal setting, and self-awareness, has a commitment to personal development and life-long learning principles, and promotes diversity, mutual trust and respect.</p>					<p>I believe to be successful in my role as CEO it is important to separate myself from Council politics but at the same time remain politically sensitive to what is occurring. Essentially, I must be politically aware but not political. Without this balance the role and interaction of CEO and the elected body can become blurred.</p> <p>I always act in the best interests of Council and have a longer-term and strategic focus in mind when making decisions. COVID has impacted my ability (and many others) to participate face-to-face in personal development opportunities e.g. conferences, workshops etc. but I still make use of e-platforms to keep up to date with latest information.</p> <p>Although the benefits of formal training are not to be underestimated, the most valued forms of development and support I consider at this stage of my career are more informal and 'on-going'. This includes the benefits of 'peer support' and opportunities to share experiences and expertise.</p>

DOMAIN	EXPECTED BEHAVIOUR	0	1	2	3	CEO's Comments
Stakeholder Edge	<p>Stakeholder relationships: The CEO develops and maintains positive and effective relationships with Council's stakeholders including, but not limited to, ratepayers, Commonwealth and State Government agencies, other councils, the media, community organisations, businesses and industry bodies.</p>					<p>By virtue of my role as CEO, I am visible and accessible with high levels of accountability to the elected members, staff, the community, businesses, media, and other CWT stakeholders. I maintain strong working relationships with a number of stakeholder groups including Adelaide Airport, Government Agencies, local government colleagues, industry associations, and other stakeholder groups. I am an active participant in many local government and sector related networks and currently a representative of the LGA SA to the Board of the LGFA.</p> <p>I attempt to build and sustains positive relationships with a range of stakeholders and I am responsive to changes in stakeholder needs and expectations.</p>
	<p>Communication: The CEO demonstrates capacity to communicate with a wide range of stakeholders, express ideas clearly and coherently, is able to listen and take up other people's ideas, negotiates persuasively, and handles the media effectively.</p>					<p>I seek to understand the audience that I am communicating with and I tailor my communication style and messages accordingly. I listen carefully to others and check to ensure their views have been understood. I constantly check my own understanding of others' comments and I try not to allow misunderstandings to linger.</p> <p>I actively listens to staff, colleagues, clients and stakeholders and involve others and recognise their contributions. I consult and share information and ensure others are kept informed of issues. I also work collaboratively and operate as an effective executive team member.</p>

DOMAIN	EXPECTED BEHAVIOUR	0	1	2	3	CEO's Comments
<p>Political Edge</p>	<p>Advice to and relationship with Council: The CEO develops and maintains positive and productive relationships with all elected members and provides them with sound advice, professional development, effective communications and support in order for them to meet their responsibilities.</p>					<p>I actively and jointly work with Mayor Coxon and Elected Members to represent the interest of the community. I provide impartial and forthright advice to Council and justify my own position when challenged. I ensure Council is provided with a suite of reports that indicate the status, success and effective performance of the organisation.</p> <p>Trust is established and maintained by open and honest communication with Council and individual Members and I constantly communicate openly with peers to build and maintain trust.</p> <p>I am always available to meet with Members to discuss issues of importance or concern and particular attention is paid to resolving Member issues and concerns and requests are tracked to ensure they are addressed. I regularly become involved with EM issues especially when they cannot be resolved at officer level.</p> <p>Elected Members are generally provided with appropriate professional development opportunities, although this is somewhat limited at the moment due to the COVID pandemic, and I make every endeavour to ensure that effective communication and working relationships exist between Elected Members and the Administration.</p>

DOMAIN	EXPECTED BEHAVIOUR	0	1	2	3	CEO's Comments
Political Edge (cont)	<p>Strategic Leadership: The CEO demonstrates leadership in setting Council's strategic plans and effectively communicates and delivers Council's vision and objectives.</p>					<p>Councils are very complex organisations that exist in a highly turbulent and regulated environment. As CEO, my team and the elected body are expected to anticipate needs, to identify and react to complex social, demographic, economic, and environmental problems, to respond to changing customer expectations, and to deploy effectively and efficiently scarce resources under the constant gaze of an increasingly attentive and critical community. I understand the internal and external environment and their impacts on the organization and seek to align resources and utilise political influence to solve problems or achieve organisational objectives. I set high goals and work doggedly to achieve them; pushing myself and others to reach milestones.</p> <p>I have built a cohesive Management Team strongly aligned to Council's goals and objectives, who provide the Council with timely quality advice, especially in regard to key issues and significant projects which may impact on the City's future viability and sustainability. The Management Team plans for trends, including negative implications, and develops appropriate strategic responses involving sustainability measures which have a customer service focus and cost benefit for our community.</p>

Appraiser's Comments
<p>Council commends you on maintaining your very high level of performance over the past 12 months and expresses confidence that you will have regard to the comments made by individual members in the review report, together with the ratings assigned by 13 members, over the next 12 months.</p> <p>Signed/...../..... Mayor Michael Coxon</p>
Appraisee's Comments
<p>I acknowledge the high level of support provided to me by the Executive Team and their support has been invaluable in achieving my level of performance during the review period.</p> <p>The support and trust of the Elected Council is likewise acknowledged and I have appreciated the honest and straightforward advice given to me by the Mayor and individual Elected Members on certain matters throughout the year.</p> <p>I also appreciate the ongoing efforts of Elected Members that continues to foster the development of a collaborative working relationship between myself and the Elected Council.</p> <p>Signed/...../..... Terry Buss PSM</p>

CEO PERFORMANCE REVIEW		
DOMAIN	BEHAVIOUR	EM COMMENTS
OPERATING EDGE	<p>People management: The CEO demonstrates leadership in driving positive outcomes in relation to recruitment, retention, remuneration, training, performance appraisal, induction, professional development and industrial relations and actively promotes and develops a positive staff culture and safe working environment.</p>	<p>Terry has a strong team with lots of trust. Navigating the year couldn't have been easy but we have pushed through. Terry and his team should be complimented! Terry delegates well and keeps across the issues that need his attention. Agree with assessment. Not having sight of the goings-on of staff and the overall happenings behind the scenes makes this difficult to assess, however, I have not seen or heard of a toxic culture and Terry seems to be well respected by his peers. The CEO has continued on his successful management model. His approach and insight of HR methods has held the unit together well during the last 12 difficult months. He also ensured that during his absence he had a trusted and capable person acting in the role of CEO in Angelo Catinari, this enabled Council to continue on effectively. This last year has been difficult for Terry both personally and business wise, however, Terry has handled both himself and his work in a professional effective manner. He has lead CWT strongly through covid challenges again this year and has ensured in his absence the council has run smoothly. I can confidently say Terry does an amazing job of leading the team in addition to having put together a highly effective, hard working group of staff.</p>
	<p>Financial and asset management: The CEO ensures Council's long term financial sustainability through sound financial and asset planning, budget management and financial reporting.</p>	<p>Terry always capitalises on the best opportunity for the Council. Whilst Council is in a decent financial position at the moment, concern around future increases in rates required to help fund all of the upcoming projects needs to be taken into account however I have faith that Terry and the Exec can navigate us through this, but it would be cognisant of us to ensure we can fund the projects while keeping rate increases under 2%. SAG funds from South Road should be pushed towards capital projects. CWT financial position is still quite strong. Because of his track record of responsible financial management over many years, I trust his financial judgement implicitly.</p>
	<p>Operations management and major projects: The CEO oversees all of Council's operations to ensure delivery of effective, efficient and high quality services to the community and the delivery of major projects on time and within budget.</p>	<p>I feel Terry is less hands on with some of the projects, which is OK. I'd like for projects to better meet cost, quality and time expectations. Agree. Council has always delivered quality services and the staff should be recognised for their efforts. Our operations are to a high standard thanks largely to Terry. Terry is across everything council does.</p>
	<p>Self-management: The CEO demonstrates abilities around time management, goal setting, and self-awareness, has a commitment to personal development and life-long learning principles, and promotes diversity, mutual trust and respect.</p>	<p>We need to diversify our staff. Agree. Terry has always been 'independent' of chamber politics and always provides his alternative approach towards matters which tends to ease tensions or allows Council to make sound decisions. Fully concur. Yes. Terry always conducts himself in a professional and friendly manner. Terry is abreast of what's going on at CWT. His three paragraphs are absolutely accurate!</p>
STAKEHOLDER EDGE	<p>Stakeholder relationships: The CEO develops and maintains positive and effective relationships with Council's stakeholders including, but not limited to, ratepayers, Commonwealth and State Government agencies, other councils, the media, community organisations, businesses and industry bodies.</p>	<p>The relationship the CWT has with it's stakeholders is strong! I credit Terry for his work. This area is one of Terry's key strengths. I value Terry's judgement highly. Agree. Very good. Agree. Terry is well respected externally. Evidenced by the relationships built and sustained over many years. Agree. Terry is very easy to get along with and others speak highly of him. What you see is what you get!</p>
	<p>Communication: The CEO demonstrates capacity to communicate with a wide range of stakeholders, express ideas clearly and coherently, is able to listen and take up other people's ideas, negotiates persuasively, and handles the media effectively.</p>	<p>Great Communicator. Again a key strength. Terry is a very clear communicator. Terry is easy to approach, listens and offers support where he can. He has always been able to explain complex matters and communicates well with Elected Members. Well in tuned. Yes.</p>
POLITICAL EDGE	<p>Advice to and relationship with Council: The CEO develops and maintains positive and productive relationships with all elected members and provides them with sound advice, professional development, effective communications and support in order for them to meet their responsibilities.</p>	<p>Per previous comments. Terry provides a good sounding board and balanced perspective. Very good. Terry is always available when needed. I feel he has an 'open door policy' which is great. Terry is always available and approachable. Open and trustworthy with Elected Members. Never clouds issues with his own agendas.</p>
	<p>Strategic Leadership: The CEO demonstrates leadership in setting Council's strategic plans and effectively communicates and delivers Council's vision and objectives.</p>	<p>Very good. Terry's leadership skills are strong and he uses them well. Indeed. He does a fantastic job.</p>
	<p>OTHER COMMENTS</p>	<p>Overall, Terry's performance this year is commendable. To deal with the struggles he did. Whilst navigating covid is a credit to Terry and his team. Angelo did an excellent job as Acting CEO. The show ran smoothly in Terry's absence so we should commend Terry for his relationships with his team. In addition, considering his personal challenges over a long period of time, his commitment to council regardless, has been outstanding.</p>

CEO PERFORMANCE REVIEW

DOMAIN	BEHAVIOUR	CEO	Elected Member Scores														Count of Scores				
			1	2	3	4	5	6	7	8	9	10	11	12	13	Total	Average	Below	Met	Exceeded	
OPERATING EDGE	The CEO demonstrates leadership in driving positive outcomes in relation to recruitment, retention, remuneration, training, performance appraisal, induction, professional development and industrial relations and actively promotes and develops a positive staff culture and safe working environment.		3	3	3	3	3	2	3	3	3	3	3	3	3	38	2.9	0	1	12	
	The CEO ensures Council's long term financial sustainability through sound financial and asset planning, budget management and financial reporting.		3	3	3	3	3	3	2	3	3	2	3	3	3	37	2.8	0	2	11	
	The CEO oversees all of Council's operations to ensure delivery of effective, efficient and high quality services to the community and the delivery of major projects on time and within budget.		3	2	2	3	2	2	3	3	3	3	3	3	3	35	2.7	0	4	9	
	The CEO demonstrates abilities around time management, goal setting, and self-awareness, has a commitment to personal development and life-long learning principles, and promotes diversity, mutual trust and respect.		3	2	3	2	3	3	3	3	3	3	3	3	3	37	2.8	0	2	11	
STAKEHOLDER EDGE	The CEO develops and maintains positive and effective relationships with Council's stakeholders including, but not limited to, ratepayers, Commonwealth and State Government agencies, other councils, the media, community organisations, businesses and industry bodies.		3	3	3	3	3	3	3	3	3	3	3	3	3	39	3.0	0	0	13	
	The CEO demonstrates capacity to communicate with a wide range of stakeholders, express ideas clearly and coherently, is able to listen and take up other people's ideas, negotiates persuasively, and handles the media effectively.		3	3	3	3	2	3	3	3	3	3	3	3	3	38	2.9	0	1	12	
POLITICAL EDGE	The CEO develops and maintains positive and productive relationships with all elected members and provides them with sound advice, professional development, effective communications and support in order for them to meet their responsibilities.		3	3	3	3	3	3	3	3	3	3	3	3	3	39	3.0	0	0	13	
	The CEO demonstrates leadership in setting Council's strategic plans and effectively communicates and delivers Council's vision and objectives.		3	2	3	2	3	3	3	3	3	3	3	3	3	37	2.8	0	2	11	
Averages			3.0	2.6	2.9	2.8	2.8	2.8	2.9	3.0	3.0	2.9	3.0	3.0	3.0	300		0	12	92	
																96.2%		0.0%	11.5%	88.5%	
																			Met / Exceeded		100%

Rating Scale:

- N/R Not rated
- 0 Unable / unwilling to comment
- 1 Below expectations
- 2 Met expectations
- 3 Exceeded expectations