

CITY OF WEST TORRENS



Confidential Report Item 21.1

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, 6 OCTOBER 2020
at 7.00pm

Pursuant to Section 83 (5) of the *Local Government Act 1999* the Confidential Item for the Council meeting is 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.

A handwritten signature in black ink that reads "Terry Buss".

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 CONFIDENTIAL

21.1 Chief Executive Officer's Performance - 2020

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 21.1 Chief Executive Officer's Performance - 2020, 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 2020.

RECOMMENDATION

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 recent 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. Three days extra leave be granted to the Chief Executive Officer as a one-off reward to recognise the outstanding performance review outcome.

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.1 Chief Executive Officer's Performance - 2020 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

Detailed ratings and comments on the CEO's performance are included in this report as **Attachment 2**.

This brief report contains the summary information from the Committee agenda (**Attachment 1**) and the review document (ratings agreed by the Committee) that will be signed off by the Mayor and CEO, subject to Council ratification, to conclude the 2020 review.

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	3	10	36	39	92.3%
Financial & Asset Management	0	2	11	37	39	94.9%
Operations Management & Major Projects	1	5	7	32	39	82.1%
Self-management	0	1	12	38	39	97.4%
Stakeholder Relationships	0	1	12	38	39	97.4%
Communication	0	1	12	38	39	97.4%
Advice to and relationship with Council	0	3	9	33	38	86.8%
Strategic Leadership	0	2	11	37	39	94.9%
Combined	1	18	84	289	311	92.9%

Table Two – Total Raw Scores & Percentages

	Below	Met	Exceeded	Total
Raw Scores	1	18	84	103
Percentages	1.0%	17.5%	81.5%	100.0%

Note that **99 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 2020. The CEO's current total employment contract (TEC) is \$344,064.

The CEO Performance Review Committee did however resolve to propose three days extra leave as a one-off reward to recognise the outstanding performance review outcome, consistent with what has been provided to other Council managers.

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 2020 Review.

Attachments

- 1. Chief Executive Officer's Performance Appraisal**
- 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: 1 October 2020

REVIEW PERIOD: July 2019 to June 2020

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.</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 2029/30. Although we have been debt free in the past, borrowings will continue to occur over the 10 year period of our forward estimates but our indebtedness by local government standards is relatively low providing capacity to further borrow if required. Council has management responsibility for community assets valued at approximately \$1 billion and depreciation funding for our major asset classes is accounted for in our 10 year forward estimates. 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
<p>Operating Edge (cont)</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>				<div style="background-color: #0070C0; width: 50%; height: 20px;"></div> <div style="background-color: #D9534F; width: 50%; height: 20px;"></div>	<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>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>				<div style="background-color: #0070C0; width: 100%; height: 100%;"></div> <div style="background-color: #D9534F; width: 100%; height: 100%;"></div>	<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 the Netley Residents Association; 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.</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>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 consults and shares 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
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>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 Executive Leadership 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 Executive team plans for trends, including negative implications, and develops appropriate strategic responses involving sustainability measures which have a customer service focus and cost benefit.</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 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</p>

City of West Torrens

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CEO PERFORMANCE REVIEW

DOMAIN	BEHAVIOUR	EM COMMENTS
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.	Terry always presents and performs his duties in a professional manner. The culture at CWT for both staff and EMs is friendly and positive and that stems from Terry's management. Terry has led us well in all aspects of HR - WHS - and the unified culture he drives with EMs and staff. CEO has managed all areas with a high level of competency.
	The CEO ensures Council's long term financial sustainability through sound financial and asset planning, budget management and financial reporting.	Terry has managed to keep CWT in a good financial position. The likes of Bill Ross have also contributed. Terry has retained highly skilled and experienced staff and manages in this arena, such as Bill Ross and this has us as a council held highly in the community. Yes, council has been in a good financial position for many years, but feel we may need to watch future spending with our debt level looking to increase significantly. The CEO has overseen the achievement of our long term sustainability, in the face of strong economic headwinds.
	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.	The many and various projects that are done and offered by this council and run in the main very efficiently. Has overseen this area very well given the curve ball of Covid thrown at our operations. Overall yes, but there are still some projects over time and over budget. I feel some projects have gone well over budget and this has been a consistent issue - Weigall Oval, Lockleys, etc. Council votes for a budget and there needs to be more accountability and responsibility for this, not just by the CEO, but by the executive staff who are entrusted to deliver the projects. All current major project have been overseen by the CEO and been delivered within reasonable timeframes and budget limitations.
	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	Terry's knowledge that he has contributes to his self management and sharing this with staff and EMs has earned that trust and respect he deserves. No CEO better at this. He has also been a significant mentor. The CEO has outstanding self-management abilities. He sets realistic timeframes to achieve goals and communicates these to the relevant stakeholders and Council.
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.	Terry's liaising skills with outside stakeholders is exceptional whether it be small or large business. AAL is testament to this as was his award for public service. Agree, our CEO represents our council to a highly professional level. Continued relationships with external stakeholders that remain strong, steady and steadfast. Terry has proven that his ability to negotiate council into the best position is second to none and this has seen council work its way into favourable positions on numerous occasions. His media presence is minimal, which speaks to the work he and the staff have done to keep WTCC out of the spotlight. The CEO has developed outstanding stakeholder relationships. This is evidenced by the high regard that he is held in by others.
	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.	Terry has the good ability to listen however has the strength to be firm where necessary. He is a quiet achiever and knows when to involve himself. Agree to all and always feel like Terry listens to EMs. The CEO has demonstrated highly developed communication and negotiation skills with stakeholders and provides accurate, sensitive and reliable feedback for the media.
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.	I'm grateful to be an EM on a council with such a sound CEO. He is supportive, knowledgeable and communicates well. As stated, he is also a great neutral mentor. Overall Terry has run an excellent staff and council over the past 12 months. You can always respect what he has to say due to the relationships he has built with councillors. One area I would like to see improved is less captain's calls. This is not necessarily a reflection on just Terry. However there have been a few times we have been "told" as councillors about decisions and not asked. Overall Terry has been fantastic. I've found Terry to be approachable and an excellent leader for EMs. His ability to convey messages and provide information to staff to enable appropriate decision making should be praised. The CEO goes above and beyond in maintaining productive relationships with EMs, responds to any emails within 24 hours, discussing matters even outside of business hours and provides sound advice.
	The CEO demonstrates leadership in setting Council's strategic plans and effectively communicates and delivers Council's vision and objectives.	As CEO, Terry firmly takes the lead and with his good common sense, plans and communicates well. Just look back and see the results. This is a hard one, however I would like to see more effort spent trying to get ideas from Councillors individually and as a whole to take CTW into next phase of its life. It appears that without a push, our Council isn't innovating as much as it should be.
OTHER COMMENTS		Special achievements include handling of Covid, maintaining strong relationships with councillors and knowledge and experience in all aspects of council. Special achievements include the capital works program and the SANFL. My overall comment is that Terry is an excellent CEO who balances conflicting priorities well, provides sound advice to EMs, and demonstrates a great insight into the issues and challenges facing CWT.

City of West Torrens

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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	3	2	3	2	3	3	3	2	36	2.8	0	3	10	
	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	3	3	3	3	2	2	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	3	3	3	3	2	3	2	2	3	2	1	2	32	2.5	1	5	7	
	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	3	3	3	3	3	3	3	2	3	3	3	3	38	2.9	0	1	12	
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	2	3	3	3	3	38	2.9	0	1	12	
	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	3	3	3	3	2	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	NR	3	3	2	3	3	2	2	33	2.8	0	3	9	
	The CEO demonstrates leadership in setting Council's strategic plans and effectively communicates and delivers Council's vision and objectives.		3	3	3	3	3	3	3	3	3	3	3	2	2	37	2.8	0	2	11	
Averages		0.0	3.0	3.0	3.0	3.0	3.0	2.9	2.9	2.9	2.3	3.0	2.8	2.4	2.5	289		1	18	84	
																92.9%		1.0%	17.5%	81.6%	
																			Met / Exceeded		99.0%

Rating Scale:

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