



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

20 FEBRUARY 2014

CITY OF JOONDALUP

Managing waste and recovering resources responsibly
Constituent Members: *Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo*
Towns of Cambridge and Victoria Park



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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
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The Chairman declared the meeting open at 5.32pm.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
--

Councillor Attendance

Cr R Fishwick JP (Chairman)	City of Joondalup
Cr J Bissett (Deputy Chairman)	Town of Victoria Park
Cr R Driver	City of Wanneroo
Cr K Hollywood	City of Joondalup
Cr D Newton JP	City of Wanneroo
Cr S Proud	City of Stirling
Cr E Re JP	City of Stirling
Cr B Stewart	City of Stirling

Apologies

Cr J Carey	City of Vincent
Cr D Boothman	City of Stirling
Cr J Davidson OAM JP	City of Perth
Cr S Withers	Town of Cambridge

MRC Officers

Mr B Callander (Chief Executive Officer)
Mr G Hoppe (Director Corporate Services)
Ms L Nyssen (Executive Support)

Member Council Observers

Nico Claassen (City of Joondalup)
Geoff Eves (City of Stirling)
Doug Forster (City of Perth)
Jim Manov (City of Wanneroo)
Andrew Murphy (City of Joondalup)
Sean Sciberras (City of Stirling)

Visitors

Nil

Members of the Public

Nil

Press

Nil

3 DECLARATION OF INTERESTS

Interest Type	Financial
Name and Position of Person	Mr Brian Callander, CEO Mindarie Regional Council
Report Item No. and Topic	14.1 – Chief Executive Officer – Contract Extension recommendations from the CEO Performance Review Committee
Nature of Interest	Council making decision on CEO's contract

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

Chair advised Councillors that the Community Engagement Advisory Group (CEAG) intends to make a presentation regarding the Resource Recovery Facility at the April Ordinary Council Meeting.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 12 DECEMBER 2013

The Minutes of the Ordinary Council Meeting held on 12 December 2013 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 12 December 2013 be confirmed as a true record of the proceedings.

RESOLVED

**Cr Proud moved, Cr Re seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (8/0)

9 CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 30 NOVEMBER 2013 AND 31 DECEMBER 2013
File No:	FIN/5-04
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	30 January 2014
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

BACKGROUND

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Nature – RRF Only
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings
- Tonnage Report

DETAIL

The Financial Statements attached are for the months ended 30 November 2013 and 31 December 2013 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 6 months to 31 December 2013 is attached at **Appendix No. 3**.

The complete suite of Financial Statements which includes the Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the “air space” remaining and other relevant information.

Summary of results for the year to 31 December 2013

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	177,311	162,276	15,035
Tonnes – Others	17,024	20,919	(3,895)
TOTAL TONNES	194,335	183,915	11,140
	\$	\$	\$
Revenue – Members	22,416,118	23,434,281	(1,018,163)
Revenue – Other	4,713,607	5,183,283	(469,676)
TOTAL REVENUE	27,129,725	28,617,564	(1,487,839)
Expenses	22,679,986	24,534,380	1,854,394
Loss/(profit) on sale of assets	-	-	-
NET SURPLUS	4,449,739	4,083,184	366,555

Commentary

Member tonnes for the 6 months to December 2013 are 15,035t higher than budgeted, primarily as a result of increased tonnes from the City of Stirling (16,433t) and the City of Wanneroo (3,842t) offset by minor reductions from the other councils.

Non-member tonnes continue to lag behind the budget, primarily as a result of the lower than budgeted commercial tonnes.

Member revenue is below budget primarily as a result of the reduction in the members' gate fee from \$149/t to \$120/t in October 2013, offset by the increase in tonnes mentioned above.

Expenses are also significantly below budget primarily as a result of the reduction in the RRF gate on the back of the members' gate fee reduction, coupled with other reductions across the business.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 30 November 2013 and 31 December 2013, respectively, be received.

RESOLVED

**Cr Newton moved, Cr Hollywood seconded
 That the recommendation be adopted.**

CARRIED UNANIMOUSLY (8/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 NOVEMBER 2013 AND 31 DECEMBER 2013
File No:	FIN/5-04
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	30 January 2014
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 30 November 2013 and 31 December 2013 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 5 September 2013, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

Months Ended	Account	Vouchers	Amount
30 November 2013	General Municipal	Cheques	\$120,476.08
		EFT	\$2,692,876.58
		DP	\$291,732.84
		Total	\$3,105,085.50
31 December 2013	General Municipal	Cheques	\$194,135.07
		EFT	\$2,233,917.62
		DP	\$539,206.50
		Total	\$2,967,259.19

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30 November 2013 and 31 December 2013 be noted.

MRC Administration to provide councillors with a response to the question raised by Cr Stewart regarding increase in staff wages.

RESOLVED

**Cr Stewart moved, Cr Re seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (8/0)

9.3	MID YEAR BUDGET REVIEW - 2013/2014
File No:	FIN/134
Appendix(s):	Appendix 6 Appendix 7
Date:	30 January 2014
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to describe the financial position and performance of the organisation in relation to the Adopted Budget and recommend changes that will reflect the anticipated outcomes for the remainder of the 2013/14 financial year. This will provide stakeholders with a view of the likely results of the Mindarie Regional Council's (MRC) operations at the conclusion of the financial year.

It is anticipated that the MRC will move from a forecast surplus of \$7,814,006 to a forecast surplus of \$4,694,151 (refer Appendix 1). This decrease in surplus was largely anticipated with the reduction in the members' gate fee from \$149/t to \$120/t in October 2013.

The reduction in the surplus of \$3.1 million is primarily as a result of the net of:

Revenue

- \$7.4 million reduction as a result of the decrease in the members' gate fee
- \$0.8 million reduction as a result of increased diversion from the Resource Recovery Facility (RRF)
- Casual revenue reduction of \$0.6 million as a result of lower tonnes

Offset by:

- a \$5.4 million increase as a result of additional Stirling tonnes at their discounted rate

Operating costs

- \$1.8 million decrease in RRF costs as a result of the lower members' gate and the diversion of the coarse heavy fraction
- \$0.2 million decrease in Waste Minimisation costs in respect of capital machinery capitalised rather than expensed
- \$0.2 million reduction in Utilities as a result of renegotiation of land rates for Tamala Park

Offset by:

- a \$0.3 million increase in Depreciation charges as a result of the 30 June 2013 fair value adjustments to property, plant and equipment which were not anticipated in the budget
 - a \$1 million increase in the Landfill Levy as a result of the additional tonnes to landfill
 - \$0.4 million and \$0.1 million increases in Cell Development amortisation and the Post Closure Accretion expenses respectively, as result of the additional tonnes to landfill
-

The sum of the above movements results in a net decrease in the forecast surplus of \$2.9 million, which along with other minor net movements of \$0.2 million, yields the forecast \$3.1 million reduction in the anticipated surplus for the year.

It is proposed that no adjustment be made to either of the members' or non-members' gate fee, but rather that the surplus at year end will be applied the Participants' Surplus reserve (\$920,382) and the Capital Expenditure Reserve (\$1,000,000), with the balance of the surplus being applied to the Decommissioning Reserve.

BACKGROUND

Council at its special council meeting held on 20 June 2013, resolved as follows:

- (i) adopt the Budget for the Mindarie Regional Council for Financial Year 2013/14
- (ii) endorse the on-going strategy of deferred payment of operational surplus, as approved by Council at its August 2005 meeting, for the Financial Year 2005/2006 and future years to meet its on-going capital requirement
- (iii) approve the use of an on-going overdraft facility of \$1 million to manage cashflow 'short falls' during Financial Year 2013/14 and future years
- (iv) Approve the Capital Budget Program of \$13,450,700 for 2013/14 as follows:

New capital expenditures

	\$
• Land Purchase (new Landfill Site)	2,000,000
• Cell lining	1,500,000
• Sorting shed 4,000,000	
• Building upgrades	140,000
• Office furniture and equipment	27,000
• Computer equipment	87,700
• Plant and equipment	90,000
• Infrastructure	220,000
• Vehicles	<u>1,306,000</u>
	9,370,700

Carried forward capital expenditures

• Land Purchase (new Landfill Site)	4,000,000
• New skid steer	<u>80,000</u>
	4,080,000

Total Capital expenditure 13,450,700

- (v) approve that \$378,300 will be transferred from the Operating Surplus to the Site Rehabilitation Reserve.
- (vi) approve that \$1,052,343 will be transferred from the Operating Surplus to the Reserve for Capital Expenditure.
- (vii) Approve that \$1,950,700 be transferred from the Reserve for Capital Expenditure to Operating Surplus to fund capital expenditures.
- (viii) approve that \$1,922,000 will be transferred from the Operating Surplus to the Carbon Price Reserve.

-
- (ix) *approve that the funds required to acquit the MRC's carbon price liability at 30 June 2013 will be transferred from the Carbon Price Reserve to the Operating Surplus.*
 - (x) *approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the reserve.*

Council operations have been conducted in line with the Adopted Budget for 2013/14. Monthly Financial Statements on the actual expenditure and variations from the Adopted Budget have been submitted to each Council meeting. In addition, monthly management accounts have been provided to Councillors and Member Council Officers on a regular basis.

In line with sound financial management practice, and in order to comply with Local Government Regulations, a detailed review of the MRC's operations, financial position and financial performance has been carried out as at 30 November 2013.

This reports highlights:

- those items that reflect significant trend variations to budgeted allocations,
- the anticipated revised financial projections to 30 June 2014; and
- and invites Council consideration of any new expenditure identified as a result of the review.

The Income Statement reflecting the Adopted Budget, Actual Expenditure to 30 November 2013 and projected expenditure to 30 June 2014 is enclosed as **Appendix 6** of this report.

A Statement of Investing Activities reflecting the Adopted Budget, Actual Expenditure to 30 November 2013 and projected capital expenditure to 30 June 2014 is enclosed as **Appendix 7** of this report.

DETAIL

Revenue

As outlined in the Summary section above, there have been material variations in the budget with respect to revenues.

In response to negotiations with the City of Stirling, Stirling have come back as an active participating member of the MRC. In response to the additional tonnes expected as a result of this agreement and the resulting decreased cost per tonne landfilled, a reduction in the members' gate from \$149/t to \$120/t was approved by Council at its meeting of 5 September 2013, as well as a negotiated concession rate for Stirling of \$110/t for the current financial year.

This change has resulted in a reduction of revenue forecast from members of approximately \$7.4 million.

As a result of ongoing efforts by BioVision to increase the levels of waste diversion from the RRF, it is anticipated that approximately 6,000 tonnes of the coarse heavy fraction will be diverted from landfill as part of a trial project. This will result in a revenue reduction of approximately \$0.8 million. It is anticipated that this will yield an improved overall diversion rate, as well as a reduction in the RRF gate fee.

Non-member tonnes from commercial operators have been reduced by approximately 4,500 tonnes for the year to reflect actual trends to date. This is anticipated to reduce revenue by approximately \$0.6 million.

In response to operational events, Stirling is anticipated to divert an additional 51,000 tonnes of waste to landfill at Tamala Park over that which was originally budgeted. This is expected to result in an additional \$5.4 million of revenue.

Carbon price revenue and expense have both increased in concert by \$0.3 million as a result of the additional tonnes to landfill.

Operating Expenditure

Net operating expenses per the half year budget review are not materially different to the figure approved in the budget. There are however a number of material offsetting increases and decreases, most of which are as a result of changes in the members' gate fee and variations to tonnage forecasts.

RRF operating expenses are expected to decrease by \$1.8 million as a result of a combination of the reduction in the members' gate fee to \$120/t which occurred in October 2013 and the trial project for the coarse heavy residue fraction.

\$0.4 million had originally been budgeted for under Waste Minimisation in respect of the tipface recovery project, most of which was expected to be recovered through Waste Authority funding. Part of the funding received was for the purchase of an excavator. The MRC has subsequently capitalised the excavator to the balance sheet, showing the amount of \$0.2 million as an asset rather than as an expense.

The Utilities budget was based on provisional information received from the City of Wanneroo with respect to land rates for Tamala Park for the year. During subsequent negotiations with Wanneroo, the rateable value of the property was reassessed resulting in a \$0.2 million reduction in land rates.

Depreciation expense estimates have been increased by \$0.3 million as a result of the increased value attributed to the MRC's property, plant and equipment through the fair value exercise that was undertaken after the budget had been approved. The increased depreciation rate is based on the fair values as assessed at 30 June 2013.

Landfill levy expenses have increased by \$1 million as a result of an estimated additional 45,000 tonnes of waste going to landfill as a result of the 51,000 tonne increase from Stirling, offset by the expected 6,000 tonne reduction in residues from the RRF.

Cell development expenses reflect the capital costs incurred in developing the Tamala Park landfill. These costs are recognised through the income statement based on the number of tonnes sent to landfill each year. The increase of \$0.4 million is reflective of the increased tonnes to landfill.

Similarly, Post Closure Accretion expense recognises those costs which will be incurred to rehabilitate the site once landfill operations cease and the future cost of this is recognised through the income statement based on tonnes sent to landfill. This ensures that the post-closure liabilities are fully funded by the time the landfill reaches its end-of-life. These expenses have increased by \$0.1 million, again reflecting the increase in tonnes to landfill.

Capital Expenditure

Capital expenditure for the year is tracking in line with budget. The following changes have been added to the capital expenditure forecast for the year:

- A minor increase of \$553 to computer equipment
- A minor decrease of \$1,750 to infrastructure
- An additional \$1.33 million for the next phase of the landfill clay lining which was approved by Council at its ordinary council meeting of 12 December 2013.

Appropriation of the anticipated surplus

It is proposed that the anticipated surplus of \$4,694,151 at 30 June 2014, being applied to existing reserves to fund anticipate future expenditure, as outlined below:

- \$920,382 be applied to the Participants' Surplus reserve to top up the fund to \$2 million, replenishing the funds which were used to fund the deficit in the 2012/13 financial year
- \$1,000,000 be applied to the Capital Expenditure Reserve to assist in smoothing the funding requirement for significant capital expenditure on plant which is to be incurred in the 2014/15 financial year
- The balance of the anticipated surplus (estimated to be \$2,773,769) be applied to the Decommissioning reserve to increase the proportion of this future expenditure which is cash backed (currently only around 40% of this liability is cash backed).

CONSULTATION

Consultation occurred with Member Councils (in relation to tonnages).

STATUTORY ENVIRONMENT

The Mid-Year Budget Review is carried out in accordance with the provision of the Local Government Act and Regulations.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

The revised half yearly budget review presented for approval is consistent with the objectives and actions outlined in the MRC's Community Strategic Plan, Financial Plan and Asset Management Plan.

FINANCIAL IMPLICATIONS

As outlined above, there will be no changes made to the members' or non-members' gate fees and the estimated surplus at year end of \$4,694,151 will be applied to the MRC's reserve accounts to fund future expenditures.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. **Approve by Absolute Majority the revised forecast surplus position estimated to be \$4,694,151 at 30 June 2014, which includes the following:**
 - **A net decrease in members' user charges of approximately \$2,817,513;**
 - **A net decrease in non-members' user charges of approximately \$590,370;**
 - **A net increase in total other charges of \$349,293;**
 - **A net increase in expenditures of \$61,265;**
 - **A net increase in capital expenditures of \$1,328,803.**
2. **Approve by Absolute Majority the new capital expenditures of \$1,330,553, which includes:**
 - **An increase of \$553 in respect of computer equipment; and**
 - **An increase of \$1,330,000 in respect of the next phase of clay lining.**
3. **Approve by Absolute Majority the application of the forecast surplus of \$4,694,51 at 30 June 2014 as follows:**
 - **\$920,382 be applied to the Participants' Surplus reserve**
 - **\$1,000,000 be applied to the Capital Expenditure Reserve**
 - **The balance of the anticipated surplus (estimated to be \$2,773,769) be applied to the Decommissioning reserve**

(Absolute Majority Required)

RESOLVED

Cr Re moved, Cr Newton seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (8/0)

9.4	ADOPTION OF 2013 ANNUAL COMPLIANCE AUDIT RETURN
File No:	COR/12-04
Appendix(s):	Appendix 8
Date:	14 February 2014
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide Council with information on the completed Compliance Audit Return (1 January 2013 – 31 December 2013).

BACKGROUND

A Compliance Audit Return (the Return) is required to be completed by regional councils annually. The period of each return is 1 January to 31 December. The Administration has completed the Return. One area of non-compliance was recorded in the Return as follows:

“One councillor lodged their return after 31 August 2013.”

The Audit was placed on the agenda of the Audit Committee’s meeting on 13 February 2014.

DETAIL

The Audit Committee at its meeting on 13 February 2014 considered the Return and resolved the following:

“That the Audit Committee endorse the Compliance Audit Return as presented, for the year 1 January 2013 to 31 December 2013.”

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Regional Councils are required to carry out a Return in accordance with the Local Government (Audit) Regulations 1996. The requirements set for the Return are contained in s.14 and 15 of the Regulations, which read as follows:

- “14. Compliance audits by local governments
- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
 - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
 - (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.
 - (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
-

-
- (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.
15. Compliance audit return, certified copy of etc. to be given to Executive Director
- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
 - (2) In this regulation —
certified in relation to a compliance audit return means signed by —
 - (a) the mayor or president; and
 - (b) the CEO.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

Nil

RESPONSIBLE OFFICER RECOMMENDATION

1. That Council adopts the 2013 Annual Compliance Audit Return as endorsed by the Audit Committee at its meeting held on 13 February 2014.
2. The adopted return detailed in (1) above be signed by the Chairperson and the Chief Executive Officer (certified) and submitted to the Executive Director prior to 31 March 2014.

RESOLVED

**Cr Stewart moved, Cr Re seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (8/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 15

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 15 be received.

RESOLVED

Cr Bissett moved, Cr Proud seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Cr Re advised that she attended an MWAC meeting regarding the 3 bin system in Bunbury and stated that the Government is supporting, and providing funding for, a 3 bin system with no research being completed.

Discussion ensued.

The Council requested the CEO to draft a letter to the Waste Authority and the Minister seeking clarification on the reasons behind the drive to introduce a 3 bin system.

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

The Chair informed Council that Item 14.2 will be considered before Item 14.1 indicating that this would allow the *Member Council Officers, Mindarie Regional Council CEO and officers and visitors to remain in the meeting for item 14.2 before being asked to remove themselves from the meeting prior to the Council discussing Item 14.2.*

The Chairperson requested that in accordance with clause 7.9(3) of the Mindarie Regional Council Standing Orders Local Law 2010 and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider Confidential Items 14.1 and 14.2 of this agenda as:

- Item 14.2 includes advice from the Council solicitors; and
- Item 14.1 may result in a contract being entered into.

RESOLVED

**Cr Proud moved, Cr Re seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (8/0)

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

This report is **Confidential** in accordance with Section 5.23 (2) (d) of the Local Government Act 1995 as it contains advice from MRC’s solicitors.

14.2	RESOURCE RECOVERY FACILITY – REQUEST FROM BIOVISION TO INCREASE PLANT MAINTENANCE COSTS
File No:	WST/147-03
Attachment(s):	Nil
Date:	14 February 2014
Responsible Officer:	Chief Executive Officer

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council;

- 1. Authorise the Chief Executive Office to respond to the BioVision correspondence dated 22 January 2014 in accordance with the advice of its solicitors, Herbert Smith Freehills;**
- 2. Endorse the use of the Strategic Working Group as the forum for keeping the member councils informed of the progress of the BioVision claim; and**
- 3. Receive further reports on the claim as it progresses.**

CEO advised Councillors that the Strategic Working Group (SWG) have met to discuss the implications of the claim on the member councils. The SWG members are supportive of the recommendation. The Project Advisory Group will meet next week where this claim

is being tabled. The MRC is not in a position to discuss the claim at the meeting until further information is provided by BioVision.

Cr Stewart moved, Cr Newton seconded

An amendment was requested and supported by the mover and the seconder. The amendment reads as follows:

AMENDMENT 1

Amend part 3 by inserting “to council” after the word “reports”.

SUBSTANTIVE MOTION INCLUDING THE CARRIED AMENDMENT

That the Council;

- 1. Authorise the Chief Executive Officer to respond to the BioVision correspondence dated 22 January 2014 in accordance with the advice of its solicitors, Herbert Smith Freehills;**
- 2. Endorse the use of the Strategic Working Group as the forum for keeping the member councils informed of the progress of the BioVision claim; and**
- 3. Receive further reports to Council on the claim as it progresses.**

RESOLVED

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8/0)

NOTE: The Chief Executive Officer has NOT released Report 14.2 for Public information due to the fact that the Report contains advice from MRC's solicitors.

MRC CEO, Member Council Officers departed the Chamber at 6.00pm

This report is **Confidential** in accordance with Section 5.23 (2) (c) of the Local Government Act 1995 as Council's decision may result in a contract being entered into.

14.1	CHIEF EXECUTIVE OFFICER'S CONTRACT EXTENSION – RECOMMENDATIONS FROM THE CEO PERFORMANCE REVIEW COMMITTEE
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File No:	PER/79
Attachment(s):	Nil
Date:	23 January 2014
Responsible Officer:	Human Resources Officer

VOTING REQUIREMENT

Simple Majority

CEO PERFORMANCE REVIEW COMMITTEE RECOMMENDATION

That Council:

- 1. Extend the Chief Executive Officer, Brian Callander's contract term for a further 5 years from January 2015 to January 2020.**
- 2. Approve the request from the CEO to access his pro rata long service leave after 7 years to enable him to take extended leave in 2014.**
- 3. Authorise the contract of the CEO to be amended to include the changes detailed in 1 and 2 above.**

RESOLVED

Cr Re moved, Cr Stewart seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8/0)

NOTE: The Chief Executive Officer has NOT released Report 14.1 for Public information due to the fact that the Council's decision may result in a contract being entered into.

The Chairperson sought that the meeting be reopened to the public.
Cr Re moved, Cr Proud seconded.

CARRIED UNANIMOUSLY (8/0)

The meeting was reopened at 6.03pm

The Chairperson read out the resolutions and the votes, made behind closed doors, of Council Items 14.1 and 14.2 as detailed above.

15 NEXT MEETING

Ordinary Council Meeting: Thursday 24 April 2014 at the City of Wanneroo commencing at 5.30pm.

16 CLOSURE

The Chairman closed the meeting at 6.04pm and thanked the City of Joondalup for their hospitality and the use of their meeting facilities.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 20 February 2014.

Signed Chairman

Dated this day of 2014
