



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

1 SEPTEMBER 2016

CITY OF VINCENT

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 Chair declared the meeting open at 5.34pm

2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
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Councillor Attendance

Cr R Fishwick JP (Chairman)	City of Joondalup
Cr D Boothman JP (Deputy Chairman)	City of Stirling
Cr J Adamos	City of Perth (<i>arrived 5.45pm</i>)
Cr J Carey	City of Vincent
Cr R Driver	City of Wanneroo
Cr S Jenkinson	City of Stirling (<i>arrived 5.44pm</i>)
Cr C MacRae	Town of Cambridge
Cr V Maxwell	Town of Victoria Park
Cr D Newton JP	City of Wanneroo (<i>arrived at 5.36pm</i>)
Cr M Norman	City of Joondalup
Cr S Proud JP	City of Stirling

Apologies

Cr A Guilfoyle	City of Stirling
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Leave of Absence

Nil

Absent

Nil

MRC Officers

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

MRC Observers

Nil

Member Council Observers

Mr N Ahern (City of Perth)
Mr S Cairns (City of Wanneroo)
Mr N Claassen (City of Joondalup)
Mr C Hoskisson (City of Joondalup)
Mr R Lotznicker (City of Vincent)
Mr A Murphy (City of Stirling)
Mr H Singh (City of Wanneroo)

Visitors

Nil

Members of the Public

Nil

Press

Nil

3 DECLARATION OF INTERESTS

Interest Type	Financial Interest
Name and Position of Person	Mr Brian Callander, Chief Executive Officer
Report Item No. and Topic	14.1 – CEO Performance Review Committee – consideration of committees recommendations
Nature of Interest	Mr Brian Callander holds the position of the Chief Executive Officer

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Chair advised that Soft Landing have via email sent an invitation to MRC Councillors to attend their Official Launch.

Cr Newton arrived at 5.36pm

The Chair informed members of a conference in Sydney on 25 to 27 October 2016 dealing with energy from waste. The MRC provides councillors with the opportunity to attend the biennial Enviro Conference and as the Enviro Conference is not being held this year it is advantageous for councillors to attend this conference instead.

As this conference will be on the same date as the Ordinary Council meeting in October the Chair asked councillors to consult their diaries as at Urgent Business he will propose to change the October Council meeting to either the 20 October 2016 or the 5 November 2016 to afford members an opportunity to attend the conference.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Fishwick requested a leave of absence from the 17 September to the 20 October 2016.

Cr Carey moved, Cr Newton seconded

CARRIED UNANIMOUSLY (9/0)

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 7 JULY 2016

The Minutes of the Ordinary Council Meeting held on 7 July 2016 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 7 July 2016 be confirmed as a true record of the proceedings.

RESOLVED

**Cr Boothman moved, Cr Carey seconded
That the recommendation be adopted.**

CARRIED UNANIMOUSLY (9/0)

9 CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 MAY 2016 AND 30 JUNE 2016
File No:	FIN/5-06
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	17 August 2016
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 31 May 2016 and 30 June 2016 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 12 months to 30 June 2016 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.

The results to 30 June 2016, whilst for the full financial year, do not reflect any audit adjustments that might be identified as part of the year end audit process.

Summary of results for the twelve month period ended 30 June 2016

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	290,807	300,470	(9,663)
Tonnes – Others	16,067	16,500	(433)
TOTAL TONNES	306,874	316,970	(9,230)
	\$	\$	\$
Revenue – Members	44,537,412	46,059,676	(1,522,264)
Revenue – Other	6,256,794	7,192,275	(935,481)
TOTAL REVENUE	50,794,206	53,251,951	(2,457,745)
Expenses	47,497,952	51,722,571	4,224,619
Profit on sale of assets	15,585	17,331	(1,746)
Loss on sale of assets	78,177	58,404	(19,773)
NET SURPLUS	3,233,662	1,488,307	1,745,355

Commentary

Member tonnes for the year to June 2016 are tracking 3.2% behind budget, which is materially in line with the budget. Non-processable variances can partly be explained by the change in systems for bulk/verge collection. Trade and casuals are 2.6% behind budget due mainly to the drop in trade customers.

This translates into reduced revenue for the 12 months, although roughly 58% of the negative revenue variance relates to revenue which was expected to be earned from the Western Metropolitan Regional Council. This is fully matched by a reduction in the budgeted operating expenses and as a result, has a net nil impact on the bottom line.

Overall, the MRC has generated a strong surplus of \$3.2 million for the year, significantly ahead of the budget of \$1.8 million.

This was largely as a result of unspent consulting costs (\$653k), reductions in landfill expenses (\$232k), reductions in plant and operating costs (\$285k) and reductions in the landfill levy and cell development costs incurred as a result of reduced tonnes to landfill (\$806k and \$180k respectively).

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 May 2016 and 30 June 2016, respectively, be received.

RESOLVED

**Cr Boothman moved, Cr Driver seconded
 That the recommendation be adopted.**

CARRIED UNANIMOUSLY (9/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 MAY 2016 AND 30 JUNE APRIL 2016
File No:	FIN/5-06
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	17 August 2016
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 31 May 2016 and 30 June 2016 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 20 August 2015, 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
31 May 2016	General Municipal	Cheques	\$8,611.07
		EFT	\$3,766,910.57
		DP	\$117,635.74
		Inter account transfers	<u>\$4,500,000.00</u>
		Total	\$8,393,157.38
30 June 2016	General Municipal	Cheques	\$29,238.12
		EFT	\$4,332,730.21
		DP	\$354,582.32
		Inter account transfers	-
		Total	\$4,716,550.65

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 31 May 2016 and 30 June 2016, be noted.

RESOLVED

**Cr Norman moved, Cr Driver seconded
 That the recommendation be adopted.**

CARRIED UNANIMOUSLY (9/0)

9.3	REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER
File No:	GOV/27
Appendix(s):	Appendix 6 – Council Policy Manual (Current) Appendix 7 – Register of Delegations (Current)
Attachment(s):	Nil
Date:	11 August 2016
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks endorsement of the review undertaken by the Chief Executive Officer (CEO) on the current Council Policies and Delegations.

BACKGROUND

The current Council Policies and Register of Delegations endorsed by Council are operating effectively, providing for efficient and timely administrative decisions and services in relation to discretionary decisions the Council has the ability to make by virtue of the *Local Government Act 1995* and other statutes.

DETAIL

In line with good governance practices the Council's policies and delegations to the CEO have been reviewed. The result of the review was that the current policies and delegations to the CEO are adequate for purpose.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (the Act)

The following extracts from the Act relate to Council's obligations in the areas of policy development and delegations to the CEO.

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. Limits on delegations to CEO

- A local government cannot delegate to a CEO any of the following powers or duties —*
- (a) *any power or duty that requires a decision of an absolute majority or 75% majority of the local government;*
 - (b) *accepting a tender which exceeds an amount determined by the local government*

- for the purpose of this paragraph;*
- (c) *appointing an auditor;*
 - (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
 - (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
 - (f) *borrowing money on behalf of the local government;*
 - (g) *hearing or determining an objection of a kind referred to in section 9.5;*
 - (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
 - (h) *any power or duty that requires the approval of the Minister or the Governor;*
 - (i) *such other powers or duties as may be prescribed."*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Strategic Community Plan 2013/14 - 2033/34	
OBJECTIVE 1	Long Term Viability
Sub Objective	Good Corporate Governance
This report is required by legislation to ensure that the Council has the opportunity to review its current policies and the delegations it has provided to the Chief Executive Officer thus maintaining the relevance of the documents.	

Corporate Business Plan 2013/14 – 2016/17		
Strategies	Actions	Responsible Officer
1.1.2	Ensure Council Policies are relevant and reviewed by Council	CEO
1.1.3	Review the relevance of the delegations from the Council and report findings to Council	CEO
These actions ensure that an officer within the organisation, in this case the CEO, has a direct responsibility to review the current Council Policies and Instrument of Delegation and report the review findings to Council.		

COMMENT

The Chief Executive Officer's review of the current policies and delegations determined that they are adequate for their purpose and therefore no changes are recommended at this point in time.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council retain the existing Council Policies and Delegations to the Chief Executive Officer as detailed in Appendices 6 & 7 of this agenda.

RESOLVED

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

CARRIED UNANIMOUSLY (9/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 30

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 30 be received.

RESOLVED

Cr Carey moved, Cr Newton seconded

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Cr Jenkinson arrived at 5.44pm

Cr Adamos arrived at 5.45pm

The Chairperson advised that the Chief Executive Officer had recently discussed an opportunity for the councillors to attend a, Energy from Waste conference in Sydney from 25 to 27 October 2016. The conference program included sessions on both days that were aligned to the decision of the MRC to develop a Waste Precinct that included a Waste to Energy Facility.

The Chairperson informed the meeting that the conference dates clashed with the next scheduled Ordinary Council meeting to be held on 27 October 2016 and as the rescheduling of the meeting requires a decision of the Council he intends to move under clause 3.15 – Urgent Business of the Standing Orders to reschedule the Ordinary Council meeting to allow the councillors to attend the conference.

The Chairperson moved the following motion:

1. That the Ordinary Council meeting scheduled to be held on the 27 October 2016 be cancelled and rescheduled to the 3 November 2016.
2. That the Council authorise the CEO to issue Public Notice advertising the change in date detailed in (1) above in accordance with the Local Government (Administration) Regulations 1996.

Cr Carey seconded.

Cr Proud moved to have the rescheduled date of the meeting changed to the 20 October 2016. The mover and seconder agreed to the date change proposed. The motion was amended accordingly.

MOTION:

1. **That the Ordinary Council meeting scheduled to be held on the 27 October 2016 be moved to the 20 October 2016.**
 2. **That the Council authorise the CEO to issue Public Notice advertising change in date in accordance with the Local Government (Administration) Regulations 1996.**
-

RESOLVED

That the motion be adopted.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

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

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 Item 14.1 of this agenda as it relates to matters that affect the CEO’s contract.

Cr Fishwick moved, Cr Proud seconded

CARRIED UNANIMOUSLY (11/0)

Member Council Officers and Mindarie Regional Council CEO left the chambers for Confidential Item 14.1. MRC’s Director Corporate Services, Gunther Hoppe and Minute Taker, Lynda Nyssen were invited to stay. Doors were closed at 5.47pm.

This report is Confidential in accordance with Section 5.23 (a) of the Local Government Act 1995 as it is a matter that affects the CEO.	
14.1	CEO PERFORMANCE REVIEW COMMITTEE - CONSIDERATION OF COMMITTEES RECOMMENDATIONS
File No:	PER/79
Attachments(s):	1. Chief Executive Officer Annual Appraisal 1 September 2016
Date:	17 August 2016
Responsible Officer:	Sonia Cherico

That Council:

1. ADOPTS the 2016 Performance Review Report for the CEO.
2. ENDORSES the overall rating of “Meets performance indicators and associated objectives at a highly satisfactory level”.
3. ENDORSES the Key Performance Indicators and Objectives for 2016/2017.
4. COMMENCES the 2016/17 Appraisal process by 30 May 2017, and encourages Elected Members to avail of an interview with the appointed facilitator to provide their feedback.
5. VARIES the CEO’s total reward package as set at the maximum level of Band 3 for Regional Council CEO’s being \$256,711 commencing from 1 July 2016, in accordance with the Salaries and Allowances Tribunal Determination of 12 April 2016.

Cr Driver moved, Cr Norman seconded

That the CEO Performance Review Committee recommendations be adopted

Cr Jenkinson questioned the inclusion of the words “including Waste to Energy” in the recommended Key Performance Indicator No 2 contained within the report, which reads:

“2. Develop an Education/Engagement Program for the Region informing the Community on the need for infrastructure solutions including Waste to Energy and bin systems that encourage the sorting of waste at source and how these solutions align and support the waste hierarchy.”

The reason provided was that the community should be made aware of all the infrastructure available and that the education program should not be centered around any one technology.

Cr Jenkinson moved to amend the Recommended KPI No 2 contained within the report by removing the words ‘including Waste to Energy’.

Cr Carey seconded.

CARRIED (6/5)

The Chairperson decided to split the recommendation to allow the vote for recommendations 1, 2, 4 and 5 separate from recommendation 3 as follows:

RESOLVED

1. **ADOPTS** the 2016 Performance Review Report for the CEO.
2. **ENDORSES** the overall rating of “Meets performance indicators and associated objectives at a highly satisfactory level”.
4. **COMMENCES** the 2016/17 Appraisal process by 30 May 2017, and encourages Elected Members to avail of an interview with the appointed facilitator to provide their feedback.
5. **VARIES** the CEO’s total reward package as set at the maximum level of Band 3 for Regional Council CEO’s being \$256,711 commencing from 1 July 2016, in accordance with the Salaries and Allowances Tribunal Determination of 12 April 2016.

CARRIED (10/1)

3. **ENDORSES** the Key Performance Indicators and Objectives for 2016/2017 with the words ‘including Waste to Energy’ being removed from the Recommended KPI No 2 for 2016/17 at point 2 in the Attachment 1 to this report.

CARRIED (9/2)

NOTE: The Chief Executive Officer has NOT released Report 14.1 for Public information as it relates to matters that affect the CEO’s contract.

The Chairperson, Cr Fishwick moved to have the meeting reopened.

RESOLVED

**Cr Fishwick moved, Cr Proud seconded
That the meeting be reopened**

CARRIED UNANIMOUSLY (11/0)

The meeting was reopened at 6.12pm.

As no public entered the chamber on the reopening of the meeting the resolution and the votes, made behind closed doors, of the Council Item 14.1 as detailed above were taken as being read.

15 NEXT MEETING

Next meeting to be held on Thursday 20 October 2016 commencing at 5.30pm. Venue to be confirmed.

16 CLOSURE

The Chairman closed the meeting at 6.14pm and thanked City of Vincent for their hospitality and 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 1 September 2016.

Signed Chairman

Dated this day of 2016
