



# INFORMATION BULLETIN

Issue No. 69



## Summary of Council Resolutions

List of resolutions for the financial year 2021/2022			
OCM /SCM Date	Item #	Resolution	Status
26.05.2022	6	That Council approves the request for Leave of Absence from Council duties for Cr Jacob covering the period 04 July 2022 to 22 July 2022.	For Information
	8.1	That the Minutes of the Ordinary Meeting of Council held on 24 March 2022 be confirmed as a true record of the proceedings.	For Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 March 2022 and 30 April 2022.	For Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 March 2022 and 30 April 2022.	For Information
	9.3	That Council 1. Endorse the change of the title of the current 'Audit Committee' to the 'Audit and Risk Committee'. 2. Adopts the revised Audit and Risk Committee Terms of Reference.	For Information
	10	That the Members Information Bulletin Issue No. 68 be received.	For Information
	14.1	That Council: 1. Authorise the CEO to advertise a tender for the provision of waste to energy services, and 2. The CEO bring back to council a report, detailing the outcome of the tender and recommendations regarding award.	COMPLETED For Action
	14.2	That Council: 1. Award the tender supply onsite security services at the Resource Recovery Facility (Tender Number: 13/153) to MA Services Group Pty Ltd, and; 2. Authorises the CEO to inform the unsuccessful tenderers of the decision.	COMPLETED COMPLETED
	14.3	That Council: 1. Appoints Learning Horizons as the external Human Resource Consultant, subject to their acceptance of the appointment, to conduct a review of the MRC's Chief Executive Officer performance, remuneration, and KPIs for the period 20 September 2021 to 1 July 2023. 2. Notes the Contract Action Plan as contained in this report. 3. Notes that the CEO probation period has passed and no further action is needed.	COMPLETED For Information For Information
	14.4	That Council: 1. Note the High Risk Register. 2. Note the Risk Tables. 3. Note the Draft Risk Appetite Statement and Risk Management Plan. 4. Note the Audit Committee Recommendation to item 7.2 as detailed on page 8 of this report.	For Information
24.03.2022	8.1	That the Minutes of the Ordinary Meeting of Council held on 27 January 2022 be confirmed as a true record of the proceedings.	For Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 January 2022 and 28 February 2022.	For Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 January 2022 and 28 February 2022.	For Information
	9.3	That Council: Resolve to revoke the following decision made at the Ordinary Council meeting held on 6 July 2017: <i>That the Chief Executive Officer be requested to conduct a review of the Mindarie Regional Council's (MRC) band classification as determined by the Salaries and Allowances Tribunal (SAT) to ascertain if there is justification for the MRC in making a submission to the SAT to be reclassified from a band 3 Regional Council to a band 2 Regional Council.</i>	For Information
	9.4	That Council: 1. adopt the Local Government Compliance Audit Return in the form approved by the Minister for the period 1 January to 31 December 2021 as contained within the Appendices in accordance with the provisions of <i>Regulation 14(3) of the Local Government (Audit) Regulations 1996</i> and in line with the recommendation from the Audit Committee;  2. authorise the Chairperson and the Chief Executive Officer to complete the Joint Certification contained in the adopted Return detailed in (1) above; and  3. authorise the Chief Executive Officer to submit the adopted Return detailed in (1) to the Director General, Department of Local Government.	COMPLETED  COMPLETED  COMPLETED

OCM /SCM Date	Item #	Resolution	Status
	9.5	That the Council: 1. Notes the information contained in this report. 2. Recommends that the MRC does not undertake a public tender process for the provision of insurance services, and continues to remain within the LGIS WA local government group self-insurance scheme. 3. Requests the CEO to investigate the advantages and disadvantages of undertaking a regular cyclic process for undertaking a public tender process for insurance services, and if necessary to seek independent expert advice, and bring a report back to Council by December 2022, including a recommendation for the procurement of insurances services in 2023.	For Information
	10	That the Members Information Bulletin Issue No. 67 be received.	For Information
	14.1	That Council: 1. Note the Full Risk Register presented to the Audit Committee at the meeting held on 09 March 2022. 2. Note the Risk Tables presented to the Audit Committee at the meeting held on 09 March 2022.	For Information
27.01.2022	8.1	That the Minutes of the Ordinary Meeting of Council held on 16 December 2021 be confirmed as a true record of the proceedings.	For Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the months ended 30/11/2021 and 31/12/2021	For Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30/11/2021 and 31/12/2021	For Information
	9.3	That Council: 1. Notes the recommendation of the Audit Committee meeting held on 13 January 2022 to adopt the Financial Report for the year ended 30 June 2021; and 2. Adopts the Annual Report for the year ended 30 June 2021, which includes the Financial Report detailed in 1. above.	For Information For Information
	9.4	That Council: 1. Approve by Absolute Majority the forecast deficit position estimated to be \$3,488,806 at 30 June 2022, which includes the following: • A net estimated decrease in total revenue of \$15,612,149; • A net estimated decrease in expenditures of \$12,085,707; • A net estimated decrease in the profit on sale of assets of \$71,494 • A net estimated decrease in capital expenditure of \$3,366,345	For Information
	9.5	1) That Council appoint Mr. Aswin Kumar as the MRC external audit committee member, subject to their acceptance of the appointment, for the period ending 14 October 2023.	COMPLETED
	10	That the Members Information Bulletin Issue No.66 be received.	For Information
	14.1	That Council: • Endorse the MRC's membership of the Green Deal Alliance. • Note that the MRC has applied for funding from the Food Waste for Healthy Soils Fund. • Request the CEO to provide reports to Council about the Green Deal Alliance on a quarterly basis.	For Information For Information Commenced and ongoing
16.12.2021	14.2	That Council: 1. Note the final exit brief for year ended 30 June 2021 issued by the Auditors. 2. Note the interim audit results for year ended 30 June 2021 issued by the Auditors. 3. Note the representation letter for the year ended 30 June 2021 issued by the Auditors. 4. Note the External Penetration Testing Report issued by InfoTrust Assurance.	For Information
	8.1	That the Minutes of the Ordinary Meeting of Council held on 11 November 2021 be confirmed as a true record of the proceedings.	For Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the month ended 31-Oct-21	For Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 31 October 2021. Moved Cr Sargent, seconded Cr May	For Information
	10	That the Members Information Bulletin Issue No. 65 be received.	For Information
	14.1	That the Council: 1. Notes the steps taken to ensure the Neerabup Resource Recovery Facility (RRF) is adequately insured in the 2021/22 financial year 2. Approves the reallocation of budget to be reflected at Mid-Year Budget Review.	For Information
	14.2	That Council: 1. Endorse the draft Chief Executive Officer Key Performance Indicators for 2021-22 as per Attachment 1.	For Information COMPLETED

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11.11.2021	8.1	That the Minutes of the Ordinary Meeting of Council held on 16 September 2021 be confirmed as a true record of the proceedings.	For Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 and Appendix No. 2 for the months ended 31 August 2021 and 30 September 2021.	for Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 August 2021 and 30 September 2021.	For Information
	9.3	That Council: Endorses the minor changes to Council Policy CP14 Acting Chief Executive Officer Appointment as contained in Appendix 6 of this report.	
	9.4	That Council: Endorses the CEO to extend existing access for Stirling Skills Training to the Tamala Park Waste Management Facility, for an additional 12-month period, for the delivery of not-for-profit training and education programs	For Information
	9.5	That Council: 1. To appoint Cr Vernon, Cr Cvitan, Cr Re, and Cr Miles onto the Audit Committee.	COMPLETED
		2. To appoint Cr Hatton, Cr Cvitan, Cr Vernon, Cr Jacob and Cr Sargent onto the CEO Recruitment and Performance Review Committee	For Information
		3. To appoint Cr Vernon as the member and Cr Re as the deputy member onto the Municipal Waste Advisory Council.	For Information
	10	That the Members Information Bulletin Issue No. 64 be received.	For Information
	14.1	That Council: 1. Authorise the CEO to award the tender for Groundwater Monitoring and Annual Reporting (Tender Number: 13/150) to Talis Consultants Pty Ltd at the prices detailed within the report for a period of 3 years.  2. Authorise the CEO to advise the tenderers of the outcome of the tender process.	For Information
	14.2	That Council: 1. Authorise the CEO to award the tender for Environmental Consultancy (Tender Number: 13/151) to 360 Environmental Pty Ltd at the prices detailed within the report for a period of 3 years.  2. Authorise the CEO to advise the tenderers of the outcome of the tender process.	COMPLETED
	14.3	That Council: 1. Not award the tender for Environmental Drilling (Tender Number: 13/152), and 2. Authorise the CEO to write to the unsuccessful tenderers and advise them of the decision not to award the tender.	COMPLETED
16.09.2021	8.1	That the Minutes of the Ordinary Meeting of Council held on 12 August 2021 be confirmed as a true record of the proceedings.	For Information
	8.2	That the Minutes of the Special Meeting of Council held on 19 August 2021 be confirmed as a true record of the proceedings.	COMPLETED
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 July 2021.	For Information
	9.2	That Council: Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 July 2021.	For Information
	9.3	That Council: 1. Endorses the minor changes to Council Policies as contained in Appendix 4 of this report save for Policy No. CP14 which is to be referred to the CEO for detailed review to be completed by November 2021. 2. Approves an increase to CAPEX expenses for CP08 Provision and Use of Council Vehicles as detailed in Appendix 4 of this report. 3. Endorses the delegations made to the Chief Executive Officer as detailed in Attachment 1 of this report subject to the deletion of Condition 1 in No 2.8.	For Information
	9.4	That Council: 1. Resolves to provide an undertaking to the Joint Standing Committee on Delegated Legislation that:  i. Mindarie Regional Council, within six months, undertakes to remove clauses 27 and 27A of the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) and either item 18 or item 20 in Schedule 1 to the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) or combine them into the same item;  ii. Mindarie Regional Council undertakes not to enforce the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) contrary to undertaking i;  iii. Mindarie Regional Council undertakes to ensure that all consequential amendments arising from undertaking i will be made; and	COMPLETED

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		iv. Mindarie Regional Council undertakes that, where the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) is made publicly available, whether in hard copy or electronic form, it will ensure that it is accompanied by a copy of the undertakings.																																									
	9.5	<p>Substantive Recommendation as amended:</p> <p>1. Adopt the meeting dates as follows:</p> <table><tr><td>27 January 2022</td><td>6.30pm</td><td>City of Joondalup</td><td>OCM</td><td></td></tr><tr><td>24 March 2022</td><td>6.30pm</td><td>City of Wanneroo</td><td>OCM</td><td>Strategic Worksho</td></tr><tr><td>26 May 2022</td><td>6.30pm</td><td>City of Stirling</td><td>OCM</td><td></td></tr><tr><td>7 July 2022</td><td>6.30pm</td><td>City of Stirling</td><td>OCM</td><td></td></tr><tr><td>25 August 2022</td><td>6.30pm</td><td>Town of Cambridge</td><td>OCM</td><td></td></tr><tr><td>29 September 2022</td><td>6.30pm</td><td>City of Vincent</td><td>OCM</td><td>Strategic Worksho</td></tr><tr><td>24 November 2022</td><td>6.30pm</td><td>Town of Victoria Park</td><td>OCM</td><td></td></tr><tr><td>15 December 2022</td><td>6.30pm</td><td>City of Perth</td><td>OCM</td><td></td></tr></table> <p>2. Issue a Public Notice on the meeting locations, dates and times as detailed in (1) above in accordance with Part 12 (1) of the Local Government (Administration) Regulations 1996 and the Local Government Act 1995.</p> <p>3. Adopt two Strategy Workshops for 2022, following the Ordinary Council meeting on the following dates: 24 March 2022 and 29 September 2022</p>	27 January 2022	6.30pm	City of Joondalup	OCM		24 March 2022	6.30pm	City of Wanneroo	OCM	Strategic Worksho	26 May 2022	6.30pm	City of Stirling	OCM		7 July 2022	6.30pm	City of Stirling	OCM		25 August 2022	6.30pm	Town of Cambridge	OCM		29 September 2022	6.30pm	City of Vincent	OCM	Strategic Worksho	24 November 2022	6.30pm	Town of Victoria Park	OCM		15 December 2022	6.30pm	City of Perth	OCM		COMPLETED
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	10	That the Members Information Bulletin Issue No. 63 be received.	For information																																								
19.08.2021	6.1	<p>That Council:</p> <p>1. Authorises the Chief Executive Officer and the Chair to execute the Final Draft Deed of Settlement at Appendix 3, subject to:</p> <p>a. minor drafting changes that may be required, after consultation with the MRC’s legal advisors, and</p> <p>b. conditions precedent in the deed being met, and</p> <p>c. Inclusion of a new clause including associated drafting in the Deed of Settlement with the intent to specifically address the Contractor’s release in respect of the local government parties, ensuring that on completion, the Contractor:</p> <p>i) releases and discharges the Local Government Parties from any claim, action, demand, suit or proceeding for damages, debt, restitution, equitable compensation, account, injunction, specific performance or any other remedy that Contractor has or may have against the Local Government Parties under or in in respect of the Deed of Guarantee or its termination in accordance with this document, whether arising at common law, in equity, or under statute or otherwise (the Local Government Released Matters); and</p> <p>ii) covenants with the Local Government Parties not to claim, sue or take any action against the Local Government Parties in respect of the Local Government Released Matters, and</p> <p>2. Concurrent with the execution of point 1. above, authorises the Chief Executive Officer to proceed with the Major Land Transaction in respect of the re-acquisition of a leasehold interest in the land at 109 (Lot 801) Pederick Road, Neerabup, and</p> <p>3. Subject to execution of point 1. above, authorises the Chief Executive Officer and the Chair to execute the Final Draft Operating Agreement at Appendix 4, subject to any minor drafting changes that may be required, after consultation with the MRC’s legal advisors, with the costs reflected in the ECMS Plan at Appendix 5, being funded in the mid-year budget review, and</p> <p>4. Subject to successful completion of the settlement transaction, approves the reduction in the MRC Members’ Gate Fee from \$213 per tonne to \$162.50 per tonne (both excluding GST), effective from 1 September 2021, with the change to be reflected in the mid-year budget review.</p>																																									
12.08.2021	14.1	<p>That Council:</p> <p>1. Appoint the Operations Manager, Mr Brendan Twine, as the Interim Chief Executive Officer from 3 September 2021 to the earlier of 28 September 2021 or the date the new CEO commences.</p> <p>2. Approves the proposed remuneration in respect of item 1, as contained in the Detail section of the confidential report, in accordance with the Salaries and Allowance Tribunal Band 3 for Regional Council CEOs.</p>	COMPLETED																																								
	10	That the members Information Bulletin Issue No. 62 be received.	For information																																								
	9.5	To appoint Cr Vernon as the member of the Municipal Waste Advisory Council.	COMPLETED																																								

OCM /SCM Date	Item #	Resolution	Status
	9.4	That Council:  1. Resolves to provide an undertaking to the Joint Standing Committee on Delegated Legislation that: i. Within six months, the MRC will remove either item 18 or 20 in Schedule 1 of the Local Law or combine them to the same item. ii. The MRC will not enforce the local law contrary to the undertaking in i. above. iii. The MRC will ensure all consequential amendments arising from the undertaking will be made. iv. Where the Local Law is made publicly available by the MRC, whether in hard copy or electronic form, the MRC will ensure that it is accompanied by a copy of these undertakings.  2. Approves the Chair to write to the Joint Standing Committee on Delegated Legislation requesting the Committee to give further consideration to allow the Mindarie Regional Council Amendment Local Law 2020, on the basis that clauses 27 and 27A are deleted.	COMPLETED
	9.3	That Council:  1. Resolves to provide the following undertakings to the Joint Standing Committee on Delegated Legislation that: 1. When the Local Law is next reviewed, the MRC will: a) Correct the typographical errors as outlined under point 2 in the Detail section of this report b) Include a definition of 'substantive motion' in the Local Law and the amendments as outlined under point 3 in the Detail section of this report c) Ensure all consequential amendments arising from the undertaking will be made.  2. The MRC will not enforce the Local Law contrary to undertaking 1.1.  3. Where the Local Law is made publicly available by the MRC, whether in hard copy or electronic form, the MRC will ensure that it is accompanied by a copy of the undertaking.  4. The MRC will provide clarification about the removal of clause 16.2, as outlined under point 1 in the Detail section of this report  5. The MRC will provide clarification about the interaction between clauses 7.15 (3) and 7.16 (1) (b), as outlined under point 4 in the Detail section of this report.  2. Approves the Chair to write to the Joint Standing Committee on Delegated Legislation, providing the required clarification and corrections for the Mindarie Regional Council Meeting Procedures Local Law 2020.	COMPLETED
	9.2	Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 May 2021 and 30 June 2021.	For information
	9.1	Receive the Financial Statements set out in Appendix No. 1 and Appendix No. 2 for the months ended 31 May 2021 and 30 June 2021.	For information
	8.2	That the Minutes of the Special Meeting of Council held on 08 July 2021 be confirmed as a true record of the proceedings.	For information
	8.1	That the Minutes of the Ordinary Meeting of Council held on 24 June 2021 be confirmed as a true record of the proceedings.	For information
08.07.2021	8.1	1. That the MRC reconfirms its position from the OCM 24.6.2021 in respect of item 14.1 as a full and final offer. 2. Endorses the Chair to accompany the CEO in any further negotiations.	COMPLETED