



## MINUTES

### SPECIAL COUNCIL MEETING

TIME: 6.30 PM

20 AUGUST 2020

CITY OF WANNEROO

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*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo  
Towns of Cambridge and Victoria Park*



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<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>
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The Chair declared the meeting open at 6.33 pm

<b>2</b>	<b>ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE</b>
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**Councillor Attendance**

Cr D Boothman, JP (Chair)	City of Stirling
Cr K Vernon (Deputy Chair)	Town of Victoria Park
Cr A Jacob, JP	City of Joondalup
Cr R Fishwick, JP	City of Joondalup
Cr L Kosova	City of Perth
Cr J Ferrante	City of Stirling
Cr S Proud, JP	City of Stirling
Cr K Sargent	City of Stirling
Cr E Cole	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr D Newton, JP	City of Wanneroo
Cr K Shannon	Town of Cambridge

**Apologies**

Nil

**Leave of Absence**

Nil

**Absent**

Nil

**MRC Officers**

Mr G Hoppe (Chief Executive Officer)  
Ms A Slater (Director Corporate Services)  
Ms D Toward (Executive Support)

**Member Council Observers**

Mr N Claassen (City of Joondalup)  
Mr M MacPherson (City of Joondalup)  
Mr M Littleton (City of Stirling)  
Mr R Bryant (City of Stirling)  
Mr A Murphy (City of Vincent)  
Ms Y Plimbley (City of Vincent)  
Mr H Singh (City of Wanneroo)  
Mr C Kopec (City of Perth)  
Mr K Hincks (Town of Cambridge)  
Mr J Wong (Town of Victoria Park)

**MRC Observers**

Mr A Griffiths  
Mr B Twine  
Ms S Cherico

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**LEAVE OF ABSENCE**

Cr Fishwick requested a leave of absence from 27 August to 25 September 2020 inclusive.

Cr Proud moved, Cr Cvitan seconded

**RESOLVED**

To grant a leave of absence to Cr Fishwick from 27 August to 25 September 2020 inclusive.

(CARRIED UNANIMOUSLY 12/0)

<b>3</b>	<b>DECLARATION OF INTERESTS</b>
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The CEO requested Council to note that he has not lodged a declaration of interest relating to item 7.2 as the item does not directly affect him.

<b>4</b>	<b>PUBLIC QUESTION TIME</b>
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Nil

<b>5</b>	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON</b>
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Nil

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<b>6 CHIEF EXECUTIVE OFFICERS REPORT</b>
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<b>6.1</b>	<b>APPOINTMENT OF COUNCILLORS ON TO THE CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE AND UPDATE OF THE TERMS OF REFERENCE OF THE COMMITTEE</b>
<b>File No:</b>	<b>GF - 20 - 0000044</b>
<b>Attachments(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>14 August 2020</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

**SUMMARY**

The purpose of this report is to consider the appointment of additional Councillors of the Mindarie Regional Council (MRC) to the Chief Executive Officer Recruitment and Performance Review Committee, and to propose a minor amendment to the meeting frequency.

**BACKGROUND**

The MRC Chief Executive Officer Recruitment and Performance Review Committee ("the Committee") has been established in accordance with the LG Act. This committee was established in 2017 to combine recruitment and performance into one single committee consisting of a minimum of 4 Councillors.

The Chief Executive Officer's (CEO) performance is reviewed annually. The committee is supported in the performance review process by an independent consultant who undertakes a survey of all the Councillors and assists in the review of the CEO's performance in the previous year against pre-set performance measures and the setting of performance measures for the next year. The consultant provides a performance report to assist the Councillors in assessing the performance of the CEO.

Recruitment activities are conducted as required and may be supported by an external consultant.

The Committee Terms of Reference endorsed at the OCM 14 December 2017 as follows:

<b>TITLE</b>
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Chief Executive Officer Recruitment and Performance Review Committee
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<b>MEMBERSHIP / SUPPORT CONSULTANT</b>
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Minimum of four Councillors Support HR Consultant
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### MEETING FREQUENCY

The Committee shall meet three or four times between February and June each year for the CEO Performance Review process and as required for the CEO Recruitment Process.

### DUTIES AND RESPONSIBILITIES

The duties and responsibilities of this committee are as follows:

#### CEO Performance Review

- a) Set Key Performance Indicators (KPIs) annually in discussion with the CEO and HR Consultant and assess the CEO's remuneration;
- b) Review the outcome of the:
  - Consultant report on the CEO's Performance based on:
    - the responses received by the Councillors on the survey prepared by the HR Consultant;
    - the report prepared by the CEO addressing performance against the KPI's set the previous year and addressing any other material issues affecting the performance of the CEO over the year; and
  - Assessment of the remuneration of the CEO.
- c) Periodically review the performance of the HR Consultant assisting the Committee; and
- d) Based on the Committee's review make recommendations to council on;
  - The level of performance of the CEO; and
  - The level of remuneration paid to the CEO, giving consideration to the Salaries and Allowances Tribunal (SAT) annual review of financial increases for CEO's and where the CEO sits on the Salary Band set by the SAT.

#### CEO Recruitment Process

- a) Review submissions from recruitment agencies (obtained by the MRC's HR Officer to assist the Committee in the recruitment process);
- b) Make recommendations to council to the preferred recruitment agency;
- c) Work with the preferred recruitment agency, with respect to content and timing, to advertise the CEO position;
- d) Assess applications received for the CEO position (shortlisted by the successful recruitment agency);
- e) Interview the shortlisted applicants together with a representative of the successful recruitment agency; and
- f) Make a recommendation to council on the preferred candidate.

At the 21 November 2019 OCM, Council resolved to appoint Cr Boothman, Cr Newton, Cr Cole, Cr Cvitan and Cr Shannon onto the committee.

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#### DETAIL

The MRC Administration received notification from Cr Cole on 30 July 2020, that she would be withdrawing from the committee due to other commitments.

This recent withdrawal provides an opportunity for additional members to join the committee.

In addition, it is recommended that the meeting frequency in the current terms of reference be amended to accommodate a varied performance review period.

Current wording:

The Committee shall meet three or four times between February and June each year for the CEO Performance Review process and as required for the CEO Recruitment Process.

Proposed wording:

The Committee shall meet **as frequently as is required** each year for the CEO Performance Review process and as required for the CEO Recruitment Process.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

Extract from the Local Government Act 1995 that is directly relevant to the type of committee proposed.

*"Subdivision 2 – Committees and their meetings*

##### **5.8 Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees."*

*\*Absolute majority required.*

#### STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### COMMENT

Nil

#### VOTING REQUIREMENT

Absolute/simple majority

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**RESPONSIBLE OFFICER RECOMMENDATION**

That Council:

1. Endorse the change of the meeting frequency of the Chief Executive Officer Recruitment and Performance Review Committee, to be:  
*"The Committee shall meet as frequently as is required each year for the CEO Performance Review process and as required for the CEO Recruitment Process."*

(Simple majority)

2. Appoint Cr \_\_\_\_\_ to the Chief Executive Officer Recruitment and Performance Review Committee.

(Absolute majority)

Cr Vernon self-nominated to be a member of the Chief Executive Officer Recruitment and Performance Review Committee.

**Moved Cr Newton, seconded Cr Cvitan**

**RESOLVED**

That Council:

1. Endorse the change of the meeting frequency of the Chief Executive Officer Recruitment and Performance Review Committee, to be:  
*"The Committee shall meet as frequently as is required each year for the CEO Performance Review process and as required for the CEO Recruitment Process."*
2. Appoint Cr Vernon to the Chief Executive Officer Recruitment and Performance Review Committee.

**CARRIED BY ABSOLUTE MAJORITY (12/0)**

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The Chair requested that in accordance with clause 7.1(e) of the Mindarie Regional Council Standing Orders Local Law 2012 and s5.23 of the Local Government Act 1995, Council proceed to meet “behind closed doors” to allow the Council to consider items 7.1, 7.2 and 7.3 as the items are of a confidential nature.

The Chair invited MRC Officers and members of the MRC Project Working Group (PWG) and MRC officers to remain in the meeting.

The Chair announced that there were no limitations on the number of speeches made in accordance with clause 7.9(4) of the Mindarie Regional Council Standing Orders Local Law 2012.

**Moved Cr Boothman, seconded Cr Kosova  
RESOLVED**

**To close the meeting to the public  
(CARRIED UNANIMOUSLY 12/0)**

Doors closed at 6.36 pm.

The MRC officers and members of the PWG remained in the public gallery.  
No members of the public were present.

Note: The Chief Executive Officer has not released the reports for items 7.1, 7.2 and 7.3 for public information.

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**7 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the <i>Local Government Act 1995</i> as the report deals with a matter where a contract is entered into.	
<b>7.1</b>	<b>TENDER FOR THE PROVISION OF LANDFILL SERVICES AT TAMALA PARK</b>
<b>File No:</b>	<b>GF – 20 - 0001521</b>
<b>Attachments(s):</b>	1. Legal advice – 3 July 2020 2. Legal advice – 22 July 2020 3. Legal advice – 11 August 2020 4. Draft Business Plan
<b>Date:</b>	<b>14 August 2020</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

**ORIGINAL RESPONSIBLE OFFICER RECOMMENDATION**

That Council:

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and
- 2) Authorises the CEO to undertake a public tender process for the proposed provision of landfill services at Tamala Park, unless public comments on the business plan are received, in which case a further report is to be presented to Council at the 24 September 2020 Ordinary Council Meeting.

Moved Cr Vernon, seconded Cr Kosova

**AMENDMENT**

Moved Cr Fishwick, seconded by Cr May

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and
- 2) Authorises the CEO to undertake a public tender process for the proposed provision of landfill services at Tamala Park, unless public comments on the business plan are received, in which case a further report is to be presented to Council at the 24 September 2020 Ordinary Council Meeting, and
- 3) Requests the CEO gives consideration to including in the Business Plan the allocation of funds generated by the sale of surplus landfill at Tamala Park into a reserve account established for the purpose of offsetting future costs associated with the RRF.

(CARRIED 5+1/5)

For: Cr Fishwick, Cr May, Cr Proud, Cr Sargent, Cr Boothman (Cr Boothman casting vote as Chair)

Against: Cr Kosova, Cr Vernon, Cr Shannon, Cr Cvitan, Cr Newton

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The Chair exercised his casting vote to break the deadlock and achieve a result.

PROCEDURAL MOTION

Moved Cr Kosova, seconded Shannon

RESOLVED

To hold the item over to a Special Council meeting in August 2020.

(CARRIED UNANIMOUS 10/0)

Supplementary information was provided to Council as part of the confidential report, along with a revised officer recommendation.

REVISED RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and
- 2) Requests that the CEO bring a report back to Council on whether to proceed with the proposed undertaking for approval, after the required public notice period has expired.

The substantive motion from the Special Council meeting on 30 July 2020 was put to the vote.

That Council:

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and
- 2) Authorises the CEO to undertake a public tender process for the proposed provision of landfill services at Tamala Park, unless public comments on the business plan are received, in which case a further report is to be presented to Council at the 24 September 2020 Ordinary Council Meeting, and
- 3) Requests the CEO gives consideration to including in the Business Plan the allocation of funds generated by the sale of surplus landfill at Tamala Park into a reserve account established for the purpose of offsetting future costs associated with the RRF.

LOST 0/12

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**ALTERNATE MOTION**

Moved Cr Fishwick, seconded Cr Jacob

**RESOLVED:**

That Council:

- 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and included as attachment 4, subject to clauses 6 & 8 being amended to reflect the purpose statement in clause 3.
- 2) Requests that the CEO bring a report back to Council on whether to proceed with the proposed undertaking for approval, after the required public notice period has expired.

**CARRIED UNANIMOUSLY (12/0)**

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This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (a) of the *Local Government Act 1995* as the report deals with a matter affecting an employee.

**7.2 CEO RECRUITMENT PROCESS**

<b>File No:</b>	<b>GF – 20 - 0000376</b>
<b>Attachments(s):</b>	<b>1. Local Government Review Panel – Final Report 2. CEO Application Package 2018</b>
<b>Date:</b>	<b>14 August 2020</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

**ORIGINAL RESPONSIBLE OFFICER RECOMMENDATION**

That Council:

Requests the CEO Recruitment and Performance Review Committee to meet and bring a report back to Council, including:

1. Consideration of a suitable recruitment agency to assist with the recruitment of a new CEO;
2. Consideration of the scope of the role of MRC CEO; and
3. Consideration of a suggested recruitment timeline.

Cr Proud moved, Seconded Cr Shannon

**PROCEDURAL MOTION**

Moved Cr Proud, seconded Cr Sargent

**RESOLVED**

That that the matter of the recruitment of the CEO to be referred to a workshop on or before 24 September 2020 to enable all members to agree to the scoping and function of the role.

CARRIED UNANIMOUSLY (10/0)

Supplementary information was provided to Council as part of the confidential report, along with a revised officer recommendation.

**REVISED RESPONSIBLE OFFICER RECOMMENDATION**

That Council:

Requests that the CEO Recruitment and Performance Review Committee meet after October 2020 to consider the options presented in this report regarding a future CEO, and to bring a report back to Council, including:

1. Consideration of the scope of the role of the MRC CEO
2. Consideration of the preferred option to fill the role MRC CEO; and
3. Consideration of a suggested implementation timeline.

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The substantive motion from the Special Council meeting on 30 July was put to the vote.

That Council:

Requests the CEO Recruitment and Performance Review Committee to meet and bring a report back to Council, including:

1. Consideration of a suitable recruitment agency to assist with the recruitment of a new CEO;
2. Consideration of the scope of the role of MRC CEO; and
3. Consideration of a suggested recruitment timeline.

LOST 0/12 UNANIMOUS

**Alternate motion moved Cr Proud, seconded Cr Cvitan.**

**RESOLVED**

**That Council:**

**Requests that the CEO Recruitment and Performance Review Committee meet after October 2020 to consider the options presented in this report regarding a future CEO, and to bring a report back to Council, including:**

- 1. Consideration of the scope of the role of the MRC CEO**
- 2. Consideration of the preferred option to fill the role MRC CEO; and**
- 3. Consideration of a suggested implementation timeline.**

**CARRIED UNANIMOUSLY (12/0)**

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This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.

7.3 MRC FUTURE WASTE OPTIONS REVIEW	
File No:	GF- 20-0001541
Appendix(s):	
Date:	14 August 2020
Responsible Officer:	Chief Executive Officer

#### RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1) Endorses the officer's recommendation contained in point 1 of the Comment section of the confidential report;
- 2) Endorses the officer's recommendation contained in point 2 of the Comment section of the confidential report; and
- 3) Endorses the officer's recommendation contained in point 3 of the Comment section of the confidential report.

**Moved Cr Sargent, seconded Cr Proud**

**RESOLVED**

That Council:

- 1) Endorses the officer's recommendation contained in point 1 of the Comment section of the confidential report and adding the words 'noting that the single gate fee for the remainder of the costs stays in place' after the word 'year',
- 2) Endorses the officer's recommendation contained in point 2 of the Comment section of the confidential report; and
- 3) Endorses the officer's recommendation contained in point 3 of the Comment section of the confidential report.

The items were put and considered separately out of sequence:

**Item 2 was put**

**CARRIED ABSOLUTE MAJORITY (11/1)**

*For: Crs Boothman, Vernon, Fishwick, Jacob, Kosova, Ferrante, Sargent, Proud, Cvitan, Newton, Shannon*  
*Against: Cr Cole*

**Item 3 was put**

**CARRIED ABSOLUTE MAJORITY (11/1)**

*For: Crs Boothman, Vernon, Fishwick, Jacob, Kosova, Ferrante, Sargent, Proud, Cvitan, Newton, Shannon*  
*Against: Cr Cole*

**Item 1 was put**

**CARRIED ABSOLUTE MAJORITY (11/1)**

*For: Crs Boothman, Vernon, Fishwick, Jacob, Kosova, Ferrante, Sargent, Proud, Cole, Cvitan, Newton*  
*Against: Cr Shannon*

Moved Cr Vernon, seconded Cr Cvitan  
**RESOLVED**

To reopen the doors to the public.  
**(CARRIED UNANIMOUSLY 12/0)**

Doors were reopened to the public at 7.35 pm.

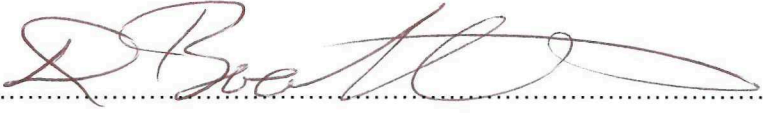
The Chair declared the meeting reopened at 7.35 pm. The Chair noted the resolutions passed behind closed doors.

#### **8 NEXT MEETING**

The next meeting will be an Ordinary Council Meeting to be held on Thursday, 24 September 2020 in the Council Chambers at the City of Vincent commencing at 6.30 pm.

#### **9 CLOSURE**

The Chair closed the meeting at 7.36 pm and thanked the City of Wanneroo for their hospitality and use of their meetings facilities.

Signed .....  ..... Chair

Dated ..... 24<sup>TH</sup> ..... day of ..... SEPTEMBER ..... 2020