



AGENDA

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



**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

19 August 2016

Councillors of the Mindarie Regional Local Government are advised that an Ordinary Meeting of the Council will be held in the Council Chambers of City of Vincent, 244 Vincent Street, Leederville, at 5.30pm on Thursday 1 September 2016.

The agenda pertaining to the meeting is attached.

Your attendance is respectfully requested.

**BRIAN CALLANDER
CHIEF EXECUTIVE OFFICER**

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

Cr R Fishwick JP (Russ) - Chair	City of Joondalup
Cr D Boothman JP (David) – Deputy Chair	City of Stirling
Cr M Norman (Mike)	City of Joondalup
Cr J Adamos (Jim)	City of Perth
Cr A Guilfoyle (Andrew)	City of Stirling
Cr S Jenkinson (Samantha)	City of Stirling
Cr S Proud JP (Stephanie)	City of Stirling
Cr J Carey (John)	City of Vincent
Cr R Driver (Russell)	City of Wanneroo
Cr D Newton JP (Dot)	City of Wanneroo
Cr C MacRae (Corinne)	Town of Cambridge
Cr V Maxwell (Vince)	Town of Victoria Park

NB: Although some Councils have nominated alternate members, it is a requirement that a Council carries a specific resolution for each occasion that the alternate member is to act.

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1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
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2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
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3	DECLARATION OF INTERESTS
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Declaration of Financial/Conflict of Interest to be recorded prior to dealing with each item.

Disclosure of Financial and Proximity Interests

- (a) *Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995).*
- (b) *Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).*

Disclosure of Interest Affecting Impartiality

- (a) *Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.*

4	PUBLIC QUESTION TIME
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5	ANNOUNCEMENTS BY THE PRESIDING PERSON
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6	APPLICATIONS FOR LEAVE OF ABSENCE
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7	PETITIONS / DEPUTATIONS / PRESENTATIONS
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8	CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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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.

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.

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.

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.

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 30

RESPONSIBLE OFFICER RECOMMENDATION

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

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 URGENT BUSINESS

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

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
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File No:	PER/79
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Attachments(s):	1. Chief Executive Officer Annual Appraisal 1 September 2016
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Date:	17 August 2016
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Responsible Officer:	Sonia Cherico
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THIS ITEM IS CONFIDENTIAL, NOT FOR PUBLIC VIEWING.

SEPARATE COVER TO ELECTED MEMBERS

15 NEXT MEETING

Next meeting to be held on Thursday 27 October 2016 in the Council Chambers at City of Perth commencing at 5.30pm.

16 CLOSURE
