



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

THURSDAY 14 SEPTEMBER 2017

CITY OF VINCENT

*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

The Chair declared the meeting open at 5.30 pm

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

| | |
|--|-----------------------|
| Cr R Fishwick JP (Chairman) | City of Joondalup |
| Cr D Boothman JP (Deputy Chairman) | City of Stirling |
| Cr J Adamos (<i>left 5.57pm</i>) | City of Perth |
| Cr E Cole | City of Vincent |
| Cr R Driver | City of Wanneroo |
| Cr A Guilfoyle (<i>arrived at 5.35 pm</i>) | City of Stirling |
| Cr C MacRae | Town of Cambridge |
| Cr V Maxwell | Town of Victoria Park |
| Cr D Newton JP | City of Wanneroo |
| Cr S Proud JP | City of Stirling |

Apologies

| | |
|----------------|------------------|
| Cr S Jenkinson | City of Stirling |
|----------------|------------------|

Leave of Absence

| | |
|-------------|-------------------|
| Cr M Norman | City of Joondalup |
|-------------|-------------------|

Absent

MRC Officers

Mr B Callander (Chief Executive Officer)
Mr G Hoppe (Director Corporate Services)
Ms D Toward (Executive Support)

MRC Observers

Nil

Member Council Observers

Ms R March (City of Perth)
Mr H Singh (City of Wanneroo)
Mr M Littleton (City of Stirling)
Mr N Ahern (City of Perth)
Mr S Cairns (City of Wanneroo)
Mr A Murphy (City of Stirling)
Mr M Hamling (City of Joondalup)
Mr J Wong (Town of Victoria Park)
Mr B Killigrew (Town of Victoria Park)
Mr L Kosova (City of Vincent)

Visitors

Mr J Phillips from JCP Consulting

Members of the Public

Nil

Press
Nil

3 DECLARATION OF INTERESTS

| | |
|------------------------------------|---|
| Interest Type | Financial Interest |
| Name and Position of Person | CEO, Brian Callander |
| Report Item No. and Topic | 14.2 CEO performance review committee – consideration of committee recommendation |
| Nature of Interest | Council will make a determination on CEO, performance and remuneration |

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Chairman acknowledged and thanked Cr MacRae for her contribution as a Mindarie Regional Council Councillor and wished her well for the future.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Mike Norman requests leave of absence from 4 September to 22 September 2017. The purpose of the leave request is to visit China as part of the City of Joondalup's delegation to Jinan.

RESOLVED

Cr Cole moved, Cr Newton seconded

That the leave of absence be approved for Cr Norman from 4 September to 22 September 2017 inclusive.

(CARRIED UNANIMOUSLY 9/0)

| |
|--|
| 7 PETITIONS / DEPUTATIONS / PRESENTATIONS |
|--|

None

| |
|--|
| 8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING |
|--|

8.1 ORDINARY COUNCIL MEETING – 6 July 2017

The Minutes of the Ordinary Council Meeting held on 6 July 2017 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 6 July 2017 be confirmed as a true record of the proceedings.

RESOLVED

Cr Boothman moved, Cr Proud seconded

(CARRIED UNANIMOUSLY 9/0)

| |
|--|
| 9 CHIEF EXECUTIVE OFFICER REPORTS |
|--|

| | |
|-----|---|
| 9.1 | FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 MAY 2017 and 30 JUNE 2017 |
|-----|---|

| | |
|-----------------|-----------------|
| File No: | FIN/5-07 |
|-----------------|-----------------|

| | |
|---------------------|--|
| Appendix(s): | Appendix No. 1 Appendix No. 2 Appendix No. 3 Appendix No. 4 |
|---------------------|--|

| | |
|--------------|-----------------------|
| Date: | 30 AUGUST 2017 |
|--------------|-----------------------|

| | |
|-----------------------------|------------------------------------|
| 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 2017 and 30 June 2017 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 12 months to 30 June 2017 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 presented are for the full financial year and are still subject to external audit. As a result, the results presented may be adjusted by any audit adjustments required by the auditors.

Summary of results for the year ended 30 June 2017

| | Actual | Budget | Variance |
|--------------------------|-------------------|--------------------|--------------------|
| | t | t | t |
| Tonnes – Members | 285,003 | 300,580 | (15,577) |
| Tonnes – Others | 15,193 | 16,400 | (1,206) |
| TOTAL TONNES | 300,197 | 316,980 | (16,783) |
| | \$ | \$ | \$ |
| Revenue – Members | 46,744,475 | 49,305,771 | (2,561,296) |
| Revenue – Other | 5,844,230 | 8,215,330 | (2,371,100) |
| TOTAL REVENUE | 52,588,705 | 57,521,101 | (4,932,396) |
| Expenses | 52,248,110 | 58,806,648 | 6,558,538 |
| Profit on sale of assets | 62,277 | 54,207 | 8,070 |
| Loss on sale of assets | 24,489 | 70,725 | 46,236 |
| Asset revaluations | 380,045 | - | (380,045) |
| NET SURPLUS | (1,661) | (1,302,065) | 1,300,404 |

Commentary

Member tonnes for the year 2017 are tracking 5% behind budget, which is directly attributable to the change in systems for bulk/verge collection implemented by various councils. Trade and casuals are 1,206 tonnes behind budget.

The reduction in member tonnes from what was budgeted translates into a reduced surplus for the 12 months, which has been more than offset by savings in operational expenditures – landfill costs and levy costs avoided, as well as reduced spending on consultants and projects.

This reduction in waste to landfill is consistent with the MRC's vision of 'Winning Back Waste' but will over time see the cost per tonne to landfill for the remaining waste increasing proportionally.

Overall, the MRC has a breakeven result for the year to date.

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 2017 and 30 June 2017, respectively, be received.

RESOLVED

**Cr Maxwell moved, Cr Adamos seconded
That the recommendation be adopted.**

(CARRIED UNANIMOUSLY 9/0)

| 9.2 LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 MAY 2017 AND 30 JUNE 2017 | |
|--|--|
| File No: | FIN/5-06 |
| Appendix(s): | Appendix No. 4 Appendix No. 5 |
| Date: | 30 August 2017 |
| 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 2017 and 30 June 2017 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 1 September 2016, 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 2017 | General Municipal | Cheques | \$12,315.12 |
| | | EFT | \$2,879,451.38 |
| | | DP | \$76,210.05 |
| | | Inter account transfers | <u>\$1,200,000.00</u> |
| | | Total | \$4,167,976.55 |
| 30 June 2017 | General Municipal | Cheques | \$22,794.25 |
| | | EFT | \$3,590,623.70 |
| | | DP | \$209,198.45 |
| | | Inter account transfers | <u>\$2,700,000.00</u> |
| | | Total | \$6,517,616.40 |

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 2017 and 30 June 2017, be noted.

RESOLVED

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

(CARRIED UNANIMOUSLY 9/0)

| 9.3 REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO COUNCIL COMMITTEES AND THE CHIEF EXECUTIVE OFFICER | |
|---|---|
| File No: | GOV/27 |
| Appendix(s): | Appendix 6 – Council Policy Manual |
| Attachment(s): | Attachment 1 – Register of Delegations |
| Date: | 11 September 2017 |
| 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, Delegations to Committees of the Council and the CEO.

BACKGROUND

The current Council Policies and Register of Delegations to the CEO 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* (the Act) and other statutes.

DETAIL

In accordance with the Act 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. This report is presented to Council annually to ensure that policies of the Council and delegations from the Council to the CEO and committees are relevant and in compliance with the Act.

A requirement of the Act is that Council reviews annually any delegation it has issued to its Committees. In previous years this report has only addressed Council policies and delegations from the Council to the CEO as the administration not aware that the Council had issued any delegation to its Committees.

On review of a question included in the Minister for Local Government's Annual Compliance Audit Return asking "*Has Council reviewed delegations to its committees in the 2015/2016 Financial Year*" it became apparent that the Council back on 27 October 2005 delegated to its Audit Committee the authority to meet with the Council's Auditors. Section 5.18 of the Act requires that a local government keep a register of delegations provided to its Committees and that any such delegation is required to be reviewed annually.

The current Audit Committee has been meeting with the Auditors regularly, which has been beneficial as it has allowed the Auditors to engage with the Committee on the various reports they prepare in accordance with the Act and other statutes. It also ensures that the Committee is fully informed when presenting reports and recommendations to the Council.

To address this anomaly it is proposed to withdraw this delegation as it is no longer compliant with the Act due to the limits of delegation issued to a Committee that comprises of 'Councillors' and 'others' (the Audit Committee membership consists of three Councillors and an external member). Originally, when the delegation was endorsed by

the Council, the Audit Committee was only made up of three Councillors. The Act provides for a broader range of delegations to a committee that has a membership consisting of Councillors only.

Section 5.17 of the ACT only allows the local government to delegate, to this type of committee, *“powers or duties that are necessary or convenient for the proper management of –*

- i. The local government’s property; or*
- ii. An event in which the local government is involved.”*

There is no issue with the Audit Committee continuing to meet with the Auditors as the Committee has no delegated authority to make decisions and any matter of materiality are presented to Council in the form of a recommendation for its consideration. A register will be developed if, in the future, the Council decides to provide a delegation to any of its committees.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

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.”*

7.12A. Duties of local government with respect to audits

- (1) *A local government is to do everything in its power to —*
 - (a) *assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*

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.

In addition to the review of policies and delegations from the Council to the CEO a review of delegations provided by the Council to its Committees was undertaken. At this point in time only one delegation exists, being a delegation allowing the Audit Committee to meet with the Council's Auditors. Given that the delegation approved by the Council back in 2005 is no longer compliant with the Act it is recommended, as part of this review, that the delegation be withdrawn.

VOTING REQUIREMENT

Simple/Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

A. That the Council:

1. retain the existing Council Policies as contained in Appendix 6 of this agenda;
2. retain the delegations to the Chief Executive Officer as detailed in Attachment 1 of this report; and

B. That the Council withdraw the delegation to the Audit Committee allowing it to meet with the Council's Auditor.

(Absolute Majority Required)

RESOLVED

Cr Cole moved, Cr Driver seconded

That the recommendation be adopted

(CARRIED UNANIMOUSLY 9/0)

Attachment 1 - MINDARIE REGIONAL COUNCIL – Delegations of Authority Register

COUNCIL TO CHIEF EXECUTIVE OFFICER

| 1. GOVERNANCE | | | | |
|----------------------|--|---|--|--------------|
| No. | Reference | Delegation | Condition(s) | Assignee(s)? |
| 1.1 | LGAct 1995 s.9.10 | Appoint persons or classes of persons to be authorised for the purposes of performing particular functions | Each authorised person to be issued with a certificate of authorisation | NO |
| 1.2 | LGAct 1995 s.5.42 | Appoint an employee of the MRC to the position of Acting CEO where the CEO is unable, or expected to be unable by reason of illness, temporary absence from WA, or any other reason, to perform the functions of the position | Not exceeding 3 months in any period of 12 months | NO |
| 2. FINANCE | | | | |
| 2.1 | | Approve requisitions and purchase orders for the supply of goods and services | Requisitions and purchase orders to be within the budget allocation as reviewed from time to time | YES |
| 2.2 | LG(Financial Management Regulations) 1996 Reg.8 | Open and close bank accounts, access accounts electronically and transfer funds electronically | | YES |
| 2.3 | LG(Financial Management Regulations) 1996 Reg.12 | Approve and make payment of accounts | 1. In accordance with approved procedure set out in Reg.11; 2. Where funds have been provided in the budget and the accounts are acquitted prior to payment; 3. List of accounts paid to be reported to Council as required by Reg.13 | YES |
| 2.4 | LG(Financial Management Regulations) 1996 Reg.34(1)(a) | Prepare monthly financial reports | In accordance with Reg.34 | YES |
| 2.5 | LGAct s.6.14 | Invest funds surplus to the immediate needs of the Council | Subject to the internal control procedures set out in Reg.19 | YES |
| 2.6 | LGAct s.6.12 | Waive Fees and Write Off Debts | 1. Not exceeding a total of \$10,000 for any one debtor in any financial year; 2. Ensure all reasonable effort has been made to recover the debt; 3. Where fees or debts have been waived, or concessions granted, they are to be reported in the mid-year budget review | NO |
| 2.7 | LGAct s.3.57 | Seek Expressions of Interest and/or call tenders for goods or services | For items listed on the budget and subsequently approved for proceeding by Council | YES |
| 2.8 | LG(Functions & General) Regs.14(2a) and 20 | Vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser | 1. For the RRFA only if it incurs no additional risk or liability to the MRC; 2. Variations approved for significant contracts, including all contracts awarded following public tenders, to be reported to the next following Council meeting | NO |
| 2.9 | LGAct s.3.58(5) and LG(Functions & General) Regs.30(3) | Dispose, which includes writing off, of property (assets) | 1. The value of the property (assets) is less than \$20,000; 2. Ensure all reasonable effort has been made to secure current market prices for the item or material | NO |

Cr Guilfoyle arrived at 5.35pm

| 9.4 ENGAGEMENT OF CONSULTANT TO ASSIST IN THE ANNUAL REVIEW OF THE CEO'S PERFORMANCE | |
|---|-----------------------|
| File No: | PER/79 |
| Attachments(s): | |
| Date: | 24 August 2017 |
| Responsible Officer: | Sonia Cherico |

SUMMARY

Report seeks approval to appoint a Consultant to assist the CEO Performance Review Committee (the Committee) in reviewing the CEO performance and remuneration as per current contract.

BACKGROUND

At the Ordinary Council Meeting 19 May 2014 JCP Consulting was appointed to assist the CEO Performance Review Committee in conducting the CEO's annual reviews for a three (3) year term. As JCP's term ended after the 2017 review the MRC sought quotations from suitably qualified consultants to assist the Committee in its review of the CEO

DETAILS

On 2 August 2017 request for quotation letters were sent out to seven Specialist Human Resource Consultants seeking quotation for services to assist Council's CEO Performance Review Committee conduct the annual review of the CEO's performance and remuneration. At the time of closing the request for quotation on 18 August 2017 six (6) quotes were received. The following table details the consultants that responded to the request and the price that was quoted:

| No. | Consultant Name | Price (\$) |
|------------|--------------------------|-------------------|
| 1 | JCP Consulting | 4,000 |
| 2 | Richard Curry Consulting | 6,950 |
| 3 | Gerard Daniels | 15,000 |
| 4 | Price | 3,982 |
| 5 | AIM | 7,500 |
| 6 | The Futures Group | 7,950 |

The Committee was presented with a detailed summary of the quotations at the CEO appraisal meeting 21 August 2017. The committee agreed to recommend to Council the appointment of John Phillips from JCP Consulting to perform the CEO Performance Review for a further one (!) year with a two year option. The Committee considered that due to Mr Phillip's prior experience, performance and competitive price that he should be offered to continue for a further one year with a two year option to enable a further review of his performance and if acceptable have Mr Phillip's assist the Committee for the rest of the term of the CEO.

On review of the quotations the administration agree with the recommendation of the Committee and support the continuing services of JCP Consulting for the next three years.

CONSULTATION

NIL

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The costs of engaging the consultant recommended by the Committee of \$4,000 is included in the 2017/18 Budget.

STRATEGIC IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority / Absolute Majority

That the Council appoint JCP Consulting to assist the CEO Performance Review Committee in reviewing the performance and remuneration of the Chief Executive Officer for a further (1) year with a two year option.

Moved Cr Fishwick, seconded Cr Proud

Discussion:

Concerns were raised as to the length of term the MRC had engaged JCP Consulting and that some of the other consultants nominated in the report should be considered. The view was also expressed that it was difficult to consider the strength of the submission as they were not attached to the agenda.

Cr Cole moved. Seconded, Cr Newton

That the report dealing with the appointment of a Consultant to assist with the CEO Performance and remuneration be deferred to the next Ordinary Council Meeting.

(CARRIED 9/1)

For: Cr Fishwick, Cr Boothman, Cr Adamos, Cr Cole, Cr Driver, Cr Guilfoyle, Cr Maxwell, Cr Newton, Cr Proud

Against: Cr MacRae

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 36

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 36 be received.

RESOLVED

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

(CARRIED UNANIMOUSLY 10/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None

12 URGENT BUSINESS

None

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None

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

The Chairperson requested that in accordance with clause 7.9 of the *Mindarie Regional Council Standing Orders Local Law 2010* and s5.23(2) of the *Local Government Act 1995*, Council proceed to meet “behind closed doors” to allow the Council to consider Items 14.1 and 14.2 as they were of a confidential nature.

Cr Fishwick moved, Cr Proud

(CARRIED UNANIMOUSLY 10 /0)

No visitors in attendance. Member Council Officers and MRC staff, who had signed the Confidentiality Agreement as it relates to Item 14.1 below, were invited to stay. Doors were closed at 5.42 pm.

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

**14.1 RESOURCE RECOVERY FACILITY (ENERGY FROM WASTE)
AWARD OF TENDER**

| | |
|-----------------------------|---|
| File No: | Wst/209-02 |
| Attachments(s): | 1. Waste Supply Agreement 2. Participant Agreement for a Waste Supply Agreement 3. Financier Side Deed |
| Date: | 8 September 2017 |
| Responsible Officer: | CHIEF EXECUTIVE OFFICER |

Prior to the item being moved the Chairperson instructed the CEO to address the Council on a recent meeting held by the Member Councils on the contract documents. The CEO advised the Council that due to uncertainty with a number of clauses in the current draft contract documents that require clarification from the preferred tenderer, he is requesting that the item be deferred until the next Ordinary Council meeting to be held on 9 November 2017, or a Special Council Meeting, if the issues can be addressed in a more timely manner.

**Cr Boothman moved to have the item deferred
Seconded, Cr Proud**

That the report dealing with the Resource Recovery Facility Tender be deferred until the next Ordinary Council meeting to be held on 9 November 2017, or a Special Council meeting, if the issues can be addressed in a more timely manner.

(CARRIED UNANIMOUSLY 10/0)

Cr Adamos left the meeting at 5.57 pm

Chairperson requested the Gallery, CEO and Director of Corporate Services to leave prior to item 14.2 being discussed. MRC executive support officer was invited to stay to take minutes. Doors were closed at 6 pm.

| | |
|---|--|
| 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. | |
| 14.2 CEO PERFORMANCE REVIEW COMMITTEE - CONSIDERATION OF COMMITTEES RECOMMENDATIONS | |
| File No: | PER/79 |
| Attachments(s): | 1. MRC CEO Annual Appraisal 2. MRC CEO Annual Appraisal 2017 (Reviewers Report) 3. MRC CEO Appraisal 2017 (Self-Assessment) |
| Date: | 24 August 2017 |
| Responsible Officer: | Sonia Cherico |

Cr Fishwick moved the following motion, Cr Proud seconded

That Council:

1. ADOPTS the 2017 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 2017/2018;
 4. COMMENCES the 2017/2018 appraisal process by 30 May 2018 and encourages Elected Members to avail of an interview with the appointed facilitator to provide their feedback;
 5. VARIES the annual review process to allow for the names of those elected members opting not to participate in the CEO’s annual review process to be provided to the Review Committee by the appointed facilitator;
 6. AFTER giving consideration to the Performance Review Report for the CEO adopted in clause 1 above:
 - 6.1 Acknowledges that the Salaries and Allowances Tribunal has determined that it will not increase the maximum salary levels in the various bands for Chief Executive Officers; and
 - 6.2 Taking cognizance of the economic climate and the Salaries and Allowances Tribunal determination in clause 6.1 above, adopts the Chief Executive Officers total rewards package for the 2017 annual salary review remaining at \$256,711 being the maximum of Band 3 for Regional Council CEO’s.
-

Amendment 1 to CEO KPI's

Cr MacRae moved, Cr Maxwell seconded

To include in the CEO's Key Performance Indicators, detailed in 3 above, the need for the CEO to finalise and gain agreement from the Member Councils to implement a new Establishment Agreement.

That a new KPI 7 be included requiring the CEO to use his best endeavours to implement an Establishment Agreement amongst the Member Councils.

CARRIED UNANIMOUSLY (9/0)

Amendment 2 to CEO KPI's

Cr Cole moved, Cr Guilfoyle seconded

To include in the CEO's Key Performance Indicators, detailed in 3 above, that the CEO carry out the successful implementation of the Tender process for the RRF 2017.

Prior to the item being voted on Cr Proud sought clarification on the meaning of the word "successful" and after discussion it was agreed that the word "successful" be replaced with "well executed". The mover and the seconder agreed to amend the motion.

Cr Cole moved, seconded by Cr Guilfoyle

That a new KPI 8 be included requiring the CEO to carry out a well-executed implementation of the Tender process for the RRF 2017.

(CARRIED UNANIMOUSLY 9/0)

SUBSTANTIVE MOTION (INCLUDING AMENDMENTS):

- 1. ADOPTS the 2017 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 2017/2018;**
-

4. COMMENCES the 2017/2018 appraisal process by 30 May 2018 and encourages Elected Members to avail of an interview with the appointed facilitator to provide their feedback;

5. VARIES the annual review process to allow for the names of those elected members opting not to participate in the CEO's annual review process to be provided to the Review Committee by the appointed facilitator;

6. AFTER giving consideration to the Performance Review Report for the CEO adopted in clause 1 above:

6.1 Acknowledges that the Salaries and Allowances Tribunal has determined that it will not increase the maximum salary levels in the various bands for Chief Executive Officers; and

6.2 Taking cognizance of the economic climate and the Salaries and Allowances Tribunal determination in clause 6.1 above, adopts the Chief Executive Officers total rewards package for the 2017 annual salary review remaining at \$256,711 being the maximum of Band 3 for Regional Council CEO's.

7. CEO to use his best endeavours to implement an Establishment Agreement amongst the Member Councils.

8. CEO to carry out a well-executed implementation of the Tender process for the RRF 2017.

RESOLVED

Motion CARRIED (8/1)

For: Cr Fishwick, Cr Boothman, Cr Driver, Cr Guilfoyle, Cr MacRae, Cr Maxwell, Cr Newton, Cr Proud

Against: Cr Cole

RE-OPEN THE MEETING TO THE PUBLIC

Cr Fishwick Moved, Cr Maxwell Seconded

That the Council reopens the meeting to members of the public.

(CARRIED UNANIMOUSLY 9/0)

As no members of the public re-entered the meeting the decisions of Council made behind closed doors was taken as read.

15 NEXT MEETING

Next meeting to be held on Thursday 9 November 2017 in the Council Chambers at City of Perth commencing at 5.30pm.

16 CLOSURE

The Chairman closed the meeting at 6.38 pm and thanked the 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 14 September 2017.

Signed Chairman

Dated this day of 2017
