



AGENDA

ORDINARY COUNCIL MEETING

TIME: 5.30PM

9 NOVEMBER 2017

CITY OF PERTH

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



**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

1 November 2017

Councillors of the Mindarie Regional Council are advised that an Ordinary Meeting of the Council will be held in the Council Chambers of the City of Perth, Council House, 27 St George's Terrace, Perth at 5.30 pm on Thursday 9 November 2017.

The agenda pertaining to the meeting follows.

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 – Deputy Chair	City Stirling
Cr M Norman (Mike)	City of Joondalup
Cr J Adamos (Jim)	City of Perth
Cr M Irwin (Mark)	City of Stirling
Cr A Guilfoyle (Andrew)	City of Stirling
Cr S Proud (Stephanie)	City of Stirling
Cr E Cole (Emma)	City of Vincent
Cr R Driver (Russell)	City of Wanneroo
Cr F Cvitan (Frank)	City of Wanneroo
Cr K Shannon (Keri)	Town of Cambridge
Cr K Vernon (Karen)	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.

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE	4
3	DECLARATION OF INTERESTS.....	4
4	PUBLIC QUESTION TIME	4
5	ANNOUNCEMENTS BY THE PRESIDING PERSON	4
6	APPLICATIONS FOR LEAVE OF ABSENCE	4
7	PETITIONS / DEPUTATIONS / PRESENTATIONS	4
8	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	4
	8.1 ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2017	4
9	CHIEF EXECUTIVE OFFICER REPORTS	5
	9.1 FINANCIAL STATEMENTS FOR THE MONTHS ENDED	5
	31 JULY 2017 and 31 AUGUST 2017.....	5
	9.2 LIST OF PAYMENTS MADE FOR THE MONTHS ENDED	7
	31 JULY 2017 AND 31 AUGUST 2017	7
	9.3 APPOINTMENT OF COUNCILLORS ON TO COMMITTEES AND OTHER GROUPS	8
	9.4 CHIEF EXECUTIVE OFFICER RECRUITMENT PROCESS	21
	9.5 ENGAGEMENT OF CONSULTANT TO ASSIST IN THE ANNUAL REVIEW OF THE CEO'S PERFORMANCE –	27
	9.6 RESOURCE RECOVERY FACILITY (ENERGY FROM WASTE) – AWARD OF TENDER - DEFERRED ITEM.....	29
10	MEMBERS INFORMATION BULLETIN – ISSUE NO. 37	31
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	31
12	URGENT BUSINESS.....	31
13	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	31
14	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	31
15	NEXT MEETING	31
16	CLOSURE	31

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

3 DECLARATION OF INTERESTS

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

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 ORDINARY COUNCIL MEETING – 14 SEPTEMBER 2017

The Minutes of the Ordinary Council Meeting held on 14 September 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 14 September 2017 be confirmed as a true record of the proceedings.

9 CHIEF EXECUTIVE OFFICER REPORTS
--

9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 JULY 2017 and 31 AUGUST 2017
File No:	FIN/5-07
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	24 October 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 July 2017 and 31 August 2017 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 2 months to 31 August 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.

Summary of results for the two month period ended 31 August 2017

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	45,338	49,499	(4,161)
Tonnes – Others	1,925	2,772	(847)
TOTAL TONNES	47,263	52,271	(5,008)
	\$	\$	\$
Revenue – Members	7,838,657	8,615,294	(776,637)
Revenue – Other	695,579	767,701	(72,122)
TOTAL REVENUE	8,534,236	9,382,995	(848,759)
Expenses	8,885,124	9,158,711	273,587
Profit on sale of assets	8,585	-	8,585
Loss on sale of assets	-	-	-
NET SURPLUS	(342,303)	224,284	(566,587)

Commentary

Member tonnes for the year to August 2017 are tracking 8% behind budget, which is directly attributable to the change in systems for bulk/verge collection implemented by various councils. Trade and casuals are 847 tonnes behind budget.

The net variance to budget of \$566,587 reflects this reduction in tonnage and RRF operating expenditures, offset by tonnage related expenditure (DER Levy).

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.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 July 2017 and 31 August 2017, respectively, be received.

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JULY 2017 AND 31 AUGUST 2017
File No:	FIN/5-06
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	24 October 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 July 2017 and 31 August 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 14 September 2017, 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 July 2017	General Municipal	Cheques EFT DP Inter account transfers Total	\$19,345.27 \$5,783,257.21 \$240,984.57 <u>\$2,200,000.00</u> \$8,243,587.05
31 August 2017	General Municipal	Cheques EFT DP Inter account transfers Total	\$8,248.69 \$3,629,310.12 \$245,137.45 <u>\$4,000,000.00</u> \$7,882,696.26

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 July 2017 and 31 August 2017 be noted.

9.3	APPOINTMENT OF COUNCILLORS ON TO COMMITTEES AND OTHER GROUPS
File No:	GOV/1-04
Attachment(s):	1. Audit Committee Details; 2. CEO's Performance Review Committee Details; 3. RRF Project Advisory Group Details; and 4. Municipal Waste Advisory Council Details
Date:	20 October 2017
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek the appointment of Councillors of the Mindarie Regional Council (MRC) to its Committees and Groups.

BACKGROUND

The MRC currently has two Committees, established in accordance with Part 5.8 of the *Local Government Act 1995* (LGAct), and two advisory groups that require Councillor membership as follows:

- Audit Committee (established in accordance with the Local Government Act 1995)
- Chief Executive Officer's Performance Review Committee (established in accordance with the LGAct)
- Project Advisory Group (established in accordance with the Resource Recovery Facility Agreement).
- Municipal Waste Advisory Council (established as part of the MRC's commitment to the Western Australia Local Government Association membership)

Attachments 1 to 4 to this agenda item provide details of the tenure, membership, duties and responsibilities associated with each of the Committees and Groups named above.

DETAILS

The recently held Local Government Elections have resulted in the need for the MRC to swear in new Councillors and re-appoint Councillors to its Committees and other Groups. The following provides a brief explanation of the purpose of the Committees and Groups:

Audit Committee

The Audit Committee is established under the LGAct and has prescribed duties and responsibilities (refer attachment). This committee consists of at least three elected members and an appointed independent member and meets at least three times per year. The Administration provides secretarial support and both the Chief Executive Officer and the Director of Corporate Services attend the meetings to provide advice and guidance to the committee on the issues presented in the agendas. The council at its meeting on 3 December 2015 reappointed Ms Gayle Rogers as the independent person on the committee until the end of April 2018.

Chief Executive Officer's Performance Review Committee

This committee was established to ensure that the Chief Executive Officer's (CEO) performance is reviewed annually. The committee is supported 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.

Project Advisory Group

The MRC has entered into a build-own-operate contract with BioVision 2020 for a Resource Recovery Facility (RRF) that processes 100,000 tonnes of municipal solid waste into a mulch (soil enhancer) annually. The RRF's diversion rate from landfill is just over 50%. The RRF is managed through a contract entitled the Resource Recovery Facility Agreement (RRFA). The RRFA includes a requirement to have a Project Advisory Group consisting of an independent Chair, three representatives from the MRC and three representatives from BioVision, plus deputies for each party.

The MRC has historically appointed the CEO, the Director of Corporate Services and a Councillor as its representatives, as well as a deputy stand-in Councillor.

Municipal Waste Advisory Council

The Municipal Waste Advisory Council (MWAC) was established in December 1994 as a Standing Committee of the Western Australian Local Government Association (WALGA) with delegated authority to represent the Association in respect of matters relating to municipal waste issues. MWAC is established under a partnership agreement with WALGA, Eastern Metropolitan Regional Council, City of Geraldton/Greenough, Mindarie Regional Council, Rivers Regional Council, Southern Metropolitan Regional Council and Western Metropolitan Regional Council.

The objective of MWAC is to encourage and promote economically sound, environmentally safe waste management practices and to ensure that the shared interests of all Western Australian Local Governments, as they relate to waste management, are effectively managed. As MWAC is a standing committee of WALGA it requires councillor representation. An Officer Advisory Group (OAG) has been established as an advisory committee to the MWAC.

The MRC last appointed the Chairperson as its representatives on MWAC as well as a deputy stand-in Councillor.

LEGAL COMPLIANCE

Refer attachments 1 through to 4 to determine the varying compliance requirements of the Committees and the Groups.

FINANCIAL IMPLICATIONS

There is no remuneration attached to the positions on any of the MRC's Committees and/or Groups.

COMMENT

The number of Committees and Groups that Councillors are to be appointed are minimal and do not require large commitments of time due to the infrequency of the meetings.

VOTING REQUIREMENT

Absolute/Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

-
1. **Appoint Cr _____, Cr _____ and Cr _____ on to the Audit Committee.**

(Absolute Majority Required)

2. **Appoint Cr _____, Cr _____, Cr _____ and Cr _____ on to the Chief Executive Officer's Performance Review Committee.**

(Absolute Majority Required)

3. **Appoint Cr _____ as a member and Cr _____ as a Deputy Member on to the Resource Recovery Facility - Project Advisory Group.**

4. **Appoint Cr _____ as a member and Cr _____ as a Deputy Member on to the Municipal Waste Advisory Council.**
-

ATTACHMENT 1

AUDIT COMMITTEE

MEMBERSHIP/SUPPORT STAFF

Three Councillors (Minimum)
One Independent Member (Sourced from the Community)
MRC Chief Executive Officer (Support Staff)
MRC Director Corporate Services (Support Staff)

MEETING FREQUENCY

The Committee shall meet as and when required. Normally three times a year being:

- (a) November to review and make recommendations to Council on the previous year's audited financials;
- (b) February/March to review the MRC's risk register and MRC's response to the Statutory Compliance Audit Return required by the State Government and make recommendations to Council; and
- (c) July to review the MRC's risk register.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee will be –

- (a) Provide guidance and assistance to Council as to the carrying out the function of the Council in relation to audits.
 - (b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the Council's auditor.
 - (c) Develop and recommend to Council –
 - a list of those matters to be audited; and
 - the scope of the audit to be undertaken.
 - (d) Recommend to Council the person or persons to be appointed as auditor.
 - (e) Develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include –
 - the objectives of the audit
 - the scope of the audit
 - a plan of the audit
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the Council to communicate with, and supply information to, the auditor.
 - (f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions.
 - (g) Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties
-

-
- under the *Local Government Act 1995*; and
- ensure that audits are conducted successfully and expeditiously.
- (h) Examine the reports of the auditor after receiving a report from the CEO on the matters and –
- determine if any matters raised require action to be taken by the Council; and
 - ensure that appropriate action is taken in respect of those matters.
- (i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latest in time.
- (j) Review the scope of the audit plan and program and its effectiveness.
- (k) Review the appropriateness of special internal audit assignments undertaken at the request of Council or CEO.
- (l) Review the level of resources allocated to internal audit and the scope of its authority.
- (m) Review reports of internal audits and by monitoring the implementation of recommendations made by the audit and reviewing the extent to which Council and management reacts to matters raised.
- (n) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- (o) Review Council's draft annual financial report, focusing on:
- accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years.
- (p) Consider recommending adoption of the financial report to Council
- (q) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- (r) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the Committee's terms of reference following authorisation from the Council.
- (s) Review the annual Compliance Audit Return and report to the Council the results of that review.
- (t) Consider the CEO's biennial reviews of the appropriateness and effectiveness of
-

the Council's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to the Council the results of those reviews.

- (v) Monitor the progress of any major lawsuits facing the Council.
- (w) Perform a biannual review of the material risks identified in the Council's Risk Register.

APPOINTMENT/TENURE

Extract from Local Government Act

1995 "5.10. *Committee members, appointment of*

- (1) *A committee is to have as its members —*
 - (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*
- * Absolute majority required.*
- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
 - (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government. If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
 - (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
 - (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
 - (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee,*

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11. *Committee membership, tenure of*

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first."*
-

ATTACHMENT 2

CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE

MEMBERSHIP/SUPPORT CONSULTANT

Four Councillors
One support HR Consultant

MEETING FREQUENCY

The Committee shall meet as and when required. Normally three or four meetings between February and June.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of this committee is to review annually:

- the CEO's performance in accordance with the Key Performance Indicators set by the Committee in the previous year; and
- the outcome of a survey of the Councillors undertaken by the support HR Consultant

APPOINTMENT/TENURE

Extract from Local Government Act 1995

"5.10. Committee members, appointment of

- (1) *A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*
 - (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
 - (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
 - (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
 - (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs*
-

the local government of his or her wish —

- (a) to be a member of the committee; or*
- (b) that a representative of the CEO be a member of the committee,*

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) the person resigns from membership of the committee; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*

whichever happens first.
 - (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) the term of the person's appointment as a committee member expires; or*
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*

whichever happens first."
-

ATTACHMENT 3

PROJECT ADVISORY GROUP

MEMBERSHIP

Three members from the Mindarie Regional Council consisting of;

- one Councillor;
- two staff members being the CEO and Director Corporate Services; and
- two deputy Members being one Councillor and one staff member.
- three members from BioVision 2020.
- one Independent Chairperson.

MEETING FREQUENCY

Bi-Monthly

DUTIES AND RESPONSIBILITIES

The Project Advisory Group will have the primary responsibility of overseeing the execution of this agreement and ensuring that this agreement runs as smoothly and as efficiently as is possible having regard to the undertakings, commitments and obligations of the parties set out in this agreement and will, subject to this agreement:

- (a) establish and maintain the Project culture;
 - (b) assist the parties in fulfilling their obligations under this agreement;
 - (c) provide visible leadership for the Project;
 - (d) provide a forum through which the parties may discuss matters pertaining to, or to provide advice, guidance and support for, the implementation of the Project;
 - (e) assist in resolving conflicts related to the MRC Project Agreements in a prompt, open and transparent manner including referring matters to MRC and the Contractor if required, and otherwise participate in the dispute resolution process as set out in clause 31.3;
 - (f) inquire into and report to the parties upon any matter related to the operation, disclosure or performance of this agreement, including providing corporate governance to the parties for compliance with the MRC Project Agreements;
 - (g) review all procedures and policies (but not Plans) which are not imposed under this agreement provided that those procedures and policies are not in any way inconsistent with the terms of this agreement, including procedures and policies for:
 - (1) financial matters such as accounts, reviews of finances and costs;
 - (2) the systems, including operating, accounting and IT systems;
 - (3) environmental matters;
 - (4) occupational health and safety issues;
 - (5) human resources and industrial relations matters;
-

- (6) resourcing of the Project, including the need for sub-contractors and the necessary arrangements for staffing and labour;
 - (7) community and stakeholder liaison;
 - (8) programming the Project under this agreement;
 - (9) auditing the Project, including legal and financial audits;
 - (10) ensuring compliance with statutory obligations; and
 - (11) obtaining and maintaining the Authorisations as set out in the MRC Project Agreements;
- (h) make recommendations to the parties with respect to:
- (1) the parties' performance under this agreement;
 - (2) any existing provision of this agreement or any Law relating to the responsibilities of the parties and any changes to this agreement;
 - (3) any matter which affects or may affect the proper performance of the provisions of this agreement;
 - (4) the most appropriate methods for investigating and reporting issues, implementing the Innovation and Continuous Improvement Plan and apportioning the costs and benefits which would result from any proposed process or productivity improvement; and
 - (5) variations to this agreement from time to time in accordance with the variation clauses of this agreement (including Agreed Variations) to ensure that this agreement properly reflects the intentions of the parties;
- (i) disseminate Project information to relevant stakeholders in accordance with the MRC Project Agreements; and
- (j) consider any other matter that the parties may from time to time agree and or which may be referred to the Project Advisory Group by any of the parties.

For the avoidance of doubt, nothing in this clause 2 affects the rights and responsibilities of MRC's Representative and MRC.

APPOINTMENT/TENURE

Membership continues until notification is given to the other party advising of a change in the membership.

ATTACHMENT 4

MUNICIPAL WASTE ADVISORY COUNCIL

MEMBERSHIP

One Councillor and a Deputy
Supported by one staff member who is on a sub-group of MWAC entitled the Officers' Advisory Group.

MEETING FREQUENCY

Bi-Monthly

DUTIES AND RESPONSIBILITIES

General Functions of the MWAC

- (a) The principal role of the MWAC in exercising its delegated authority is to govern the Municipal Waste Program and to represent the interests of the Parties and Local Government generally, in all matters relating to local government waste management.
 - (b) Without limiting the MWAC's principal role, the broad functions and responsibilities of the MWAC include:
 - (i) defining policy and providing the overall strategic direction of the Municipal Waste Program to achieve the interests of the Parties to this Partnership Agreement;
 - (ii) maintaining the MWAC as a credible, active and effective peak body in the area of waste management;
 - (iii) facilitating and encouraging cooperative linkages between Local, State and Federal Government, Regional Councils, FORC, WMAA, Waste Authority, industry and the community;
 - (iv) representing the interests of the Association in all matters relating to local government waste management in accordance with the Association's policy statements and formal positions on an issue, and without prior reference to the Association where a formal Association position on an issue is not current or has not yet been developed PROVIDED THAT any such position is subsequently put to the Association as soon as practicable for confirmation;
 - (v) acting as an interface between the Parties to this Partnership Agreement and other local governments;
 - (vi) promoting economically sound, environmentally safe and socially acceptable waste management and minimisation strategies;
 - (vii) coordinating and initiating research on waste management issues;
 - (viii) through the WALGA Chief Executive Officer and the MWAC Chair, monitoring and evaluating the performance of the Executive Officer against established key performance indicators;
 - (ix) approving major operating plans, including the strategic plan;
 - (x) approving the Annual Budget in accordance with the terms of this Partnership Agreement; and
 - (xi) ensuring the Municipal Waste Program complies with the law and the
-

Association's operational policies and procedures.

- (c) Under the terms of the delegated authority, the MWAC may not make decisions:
- (i) concerning the acquisition, holding and disposition of real property or the borrowing of money or setting Association subscription levels;
 - (ii) that are inconsistent with an existing formal policy statement of the Association without prior reference to and the prior approval of the State Council; and
 - (iii) relating to operational matters as such matters remain the responsibility of the Executive Officer, reporting to the WALGA Chief Executive Officer or to their delegate.

APPOINTMENT/TENURE

Membership continues until notification is given to the other party advising of a change in the membership.

9.4 CHIEF EXECUTIVE OFFICER RECRUITMENT PROCESS	
File No:	PER/95
Appendix(s):	Nil
Attachment(s):	1. List of Recruitment Agencies
Date:	12 October 2017
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks consideration of the recruitment process for a new Chief Executive Officer (CEO) of the Mindarie Regional Council (MRC) as a result of the resignation of its current CEO, Mr Brian Callander. It also seeks the appointment of the Director Corporate Services as an Acting CEO for a period of up to six (6) months to the end of the 2017/18 financial year or until the date a newly appointed CEO commences to ensure the transition process does not impact operations of the MRC.

BACKGROUND

On 3 October 2017 the Chairperson received a letter from Mr Callander advising of his resignation and providing three (3) months' notice as required by clause 7.3 of his contract, with his last day being Friday 5 January 2018. The Chairperson, in correspondence dated 6 October 2017, acknowledged Mr Callander's resignation and thanked him for his good work over his term as the CEO of the MRC.

DETAIL

Section 5.36 (1)(a) of the *Local Government Act 1995* requires a local government to employ a CEO. The MRC does not have a formal recruitment process for a CEO therefore the following proposed recruitment process is presented for the council's consideration:

It is suggested that the council establish a Recruitment Panel (RP) consisting of the Chairperson, Deputy Chairperson and other councillor/s with the following purpose:

1. Review service offering submissions from recruitment agencies (obtained by the MRC Administration to assist the RP in the recruitment process);
2. Make a recommendation to council on the preferred recruitment agency to its meeting on 14 December 2017;
3. Assess applications received for the CEO position (shortlisted by the successful recruitment agency);
4. Interview the shortlisted applicants together with the recruitment agent; and
5. Make a recommendation to council on the preferred candidate.

Note: The timing of advertising for the CEO position would need to consider the Christmas and new year holidays.

The MRC Administration will provide support to the RP by:

1. Obtaining submissions from appropriate qualified recruitment agencies that demonstrate experience in the recruitment of CEOs. The agencies will be sourced from the WALGA Preferred Supplier list and the WA Government procurement publication (refer Attachment 1) and others.
 2. Arranging meetings and providing support as necessary to the RP; and
-

-
3. Liaising, as necessary, with the recruitment agency approved by the council.

Note: The WALGA Preferred Supplier list and the WA Government procurement publication provide a broad range of recruitment agencies experienced in the recruitment of CEOs ensuring value for money and a robust test of the recruitment market. A list of the recommended agencies drawn from the WALGA, State Government and others are included as Attachment 1.

A longer term alternative to deal with the CEO recruitment process could be to add the recruitment responsibility and process to the obligations placed on the CEO Performance Review Committee. This committee has a membership of four (4) councillors with a purpose of assessing the performance of the CEO annually against the KPIs set for that year and considering the outcome of a performance survey developed by a consultant and completed by the councillors.

Adding the CEO recruitment process to the purpose of this Committee would enable the recruitment process to commence almost immediately after the CEO resigns as it would only require the administration to call a meeting of this committee instead of having to wait until the next council meeting to consider the process.

The committee would not be given any delegated powers, however it would be able to review the submissions from recruitment agencies obtained by the Administration soon after the resignation of the CEO. Were this option to be pursued, the purpose and name of the CEO Performance Review Committee would need to be changed to reflect the additional obligations to accommodate the recruitment process of a CEO.

It is unlikely that the council will have recruited a CEO within the three (3) month notice period provided by the current CEO. As such it is considered appropriate to recommend that council consider the appointment of the current Director Corporate Services, Mr Gunther Hoppe, as the Acting CEO for a period of six (6) months or up to the date of commencement of a new CEO.

Mr Hoppe has recently held the position of Acting CEO of the MRC for a three (3) month period whilst the CEO was on long service leave. In addition Mr Hoppe held the position of Acting CEO of the Western Municipal Regional Council for a period of just under two (2) years on a part time basis in 2015 and 2016.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Extract from the *Local Government Act 1995*

“5.36. *Local government employees*

(1) ***A local government is to employ —***

- (a) ***a person to be the CEO of the local government; and***
 - (b) ***such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.***
-

5.39. Contracts for CEO and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

- (a) **an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting;**

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The average cost for the recruitment process of a Chief Executive Officer is estimated to be between \$40,000 and \$45,000. Previously the MRC has utilised the services of Anne Lake Consultancy for the CEO recruitment process at a value of \$8,000.

There are funds set aside for recruitment in the 2017/18 Budget of \$11,000. Any additional costs to those budgeted will be funded in the half yearly budget review.

COMMENT

The recommendation aims to set in place a process that will ensure the market is tested and an appropriately qualified CEO is appointed. In addition it considers the possibility that the recruitment process will take longer than the notice period provided by the current CEO by recommending the appointment of the current Director Corporate Services, Mr Gunther Hoppe, to ensure the ongoing operations of the MRC are managed between the time the current CEO leaves on 8 January 2018 and the new CEO commences.

The recommendation also seeks that council considers amending the current purpose of its CEO Performance Review Committee to include the recruitment process of a new CEO. This will improve the timeliness of the recruitment process removing the need to find an Acting CEO.

VOTING REQUIREMENT

Simple/Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

A. That the Council:

1. **appoint a Recruitment Panel (RP) consisting of the Chairperson, Deputy Chairperson and Councillor/s _____ and _____.**
 2. **endorse the following purpose of the RP:**
 - a) **Review service offering submissions from recruitment agencies;**
 - b) **Make a recommendation to council on the preferred recruitment agency at its meeting on 14 December 2017;**
 - c) **Assess applications received for the CEO position (shortlisted by the successful recruitment agency);**
-

Attachment 1 – List of Recruitment Agencies

Recommended CEO Recruitment Providers sourced from the WALGA suppliers list and the WA Government procurement publication and other recruitment agencies.

1. Austral Human Resources

Austral Human Resources are recognised specialists in recruitment and job design. Austral provides a full range of recruitment and selections services from Level 1 to CEO positions. They have serviced clients in the Government sector including Local Government and Communities with a strong focus on WA Government Health sector.

2. Beilby Consulting.

Beilby's consultants offer a range of services from recruitment support to full advertised recruitment and selection campaigns from graduates to CEO positions. They have serviced an extensive list of state government clients.

3. Chandler McLeod

Chandler Macleod Group is Australasia's leading provider of integrated human resources services, products and technologies. Supplying to the Government sector including local, state and federal operate in every state and territory.

4. Hays Specialist Recruitment

They have serviced the government sector including the Western Australian Local Government Authority.

5. Lo-Go Appointments

Local Government Appointments specialises in the provision of recruitment and human resource services to Local Government throughout New South Wales, Queensland and Western Australia including temporary, contract and permanent placements, executive staff selection, consulting and managed services.

6. Management Projects

Management Projects specialises in executive search and recruitment services for State and Commonwealth government clients. They provide recruitment management services to metropolitan and regional positions at all levels from entry level to CEO positions. They have serviced the Department of Local Government and Communities and the Public Sector Commission.

7. Price Consulting

Price Consulting Group has a strong reputation for successful recruitment and is a recognised leader in conducting innovative and effective recruitment. Their experience spans to all levels including CEO, Senior Executive and specialist positions. They have serviced the WA Public Sector for 17 years, including the City of Subiaco and the Department Regional Development.

8. The Futures Group

The Futures Group provides specialist recruitment, executive search and selection services in the public and private sector. They have experience running large scale recruitment processes including managing Board and CEO appointments in a number of state government departments.

9. The Nexus Network

The Nexus Network has been providing recruitment services to the WA Public Sector for nearly 20 years. They have a comprehensive understanding of Public Sector recruitment practices providing for 15+ CEO roles across government.

Anne Lake Consultancy

Anne Lake is an experienced Human Resources specialist professional providing service to both the private and public sectors. Anne has been responsible for the recruitment of Chief Executive Officers, senior staff and law firm partners and senior associates. She is also proficient in CEO review procedures and has worked extensively with both small and medium country and large City Councils. Amongst her ongoing clients are the City of Swan, the City of Stirling, the City of Gosnells and the Shire of Gnowangerup, Wiluna and Kojonup.

WALGA

WALGA recruitment operates to assist Local Governments across the state of Western Australia with their recruitment needs. They provide Local Governments with a consultancy service offering full end-to-end recruitment and executive search functionality. WALGA Recruitment has the knowledge and experience to assist having undertaken recruitment processes across a broad range of positions.

9.5	ENGAGEMENT OF CONSULTANT TO ASSIST IN THE ANNUAL REVIEW OF THE CEO'S PERFORMANCE – DEFERRED ITEM
File No:	PER/79
Attachments(s):	
Date:	27 October 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

This report was presented to the Council at its meeting on 14 September 2017 where the Council resolved to defer it to the next Ordinary Council meeting to provide the Councillors an opportunity to review the submissions from the consultants prior to considering the recommendation from the CEO's Performance Review Committee. The submissions have been distributed to the councillors under confidential memo to allow the councillors the opportunity to review them before making a decision on the appointed consultant.

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 (1) 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 agrees 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.

9.6	RESOURCE RECOVERY FACILITY (ENERGY FROM WASTE) – AWARD OF TENDER - DEFERRED ITEM
File No:	WST/209-02
Appendix(s):	Nil
Date:	27 October 2017
Responsible Officer:	Chief Executive Officer

SUMMARY

This report seeks the Council's approval to have the deferred item presented to the Ordinary Council meeting on 14 December 2017 instead of the 9 November 2017 Ordinary Council meeting as previously resolved.

BACKGROUND

The Council at its meeting on 14 September 2017 resolved to defer Item 14.1 Resource Recovery Facility (Energy from Waste) Award of Tender as follows:

“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”

The reason for the deferral was to allow time to address uncertainties in a number of clauses of the contract documents associated with the Tender.

DETAIL

The changes to the contract documents is taking longer than anticipated preventing the report being presented to the Ordinary Council meeting on 9 November 2017 as resolved by the Council. Therefore it is recommended that the Council endorse an extension of time for the report to be presented to its Ordinary Council meeting on 14 December 2017.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council acknowledges that the deferred confidential report entitled “Resource Recovery Facility (Energy from Waste) Award of Tender” was to be presented to the Ordinary Council meeting on 9 November 2017 and that it accepts

that the changes to the Tender contract documents have not been finalised and provides an extension of time to have the report presented to its next Ordinary Council meeting to be held on 14 December 2017.

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 37

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 37 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

15 NEXT MEETING

Next meeting to be held on Thursday 14 December 2017 in the Council Chambers at Town of Victoria Park commencing at 5.30pm.

16 CLOSURE
