



INFORMATION BULLETIN

Issue No. 60



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RRF Update Report for reporting period February and March 2021

Common Seal Report

DOCUMENTS EXECUTED BY AFFIXING THE COMMON SEAL	
File No:	G-20-0014265
Appendix(s):	Nil
Date:	14 MAY 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The report is for Council to note the documents executed by affixing the Common Seal of the Mindarie Regional Council.

BACKGROUND

The MRC enters into various agreements by affixing its Common Seal in accordance with *Division 3, s9.49A of the Local Government Act 1995*. Documents that are executed by affixing the Common Seal are reported to Council for information.

DETAIL

During the period 05 December 2020 to 14 May 2021, two (2) documents were executed by affixing the Common Seal. A summary is provided below:

Date	Document	Signed/Sealed
17/12/2020	Waste Facility Site Amendment Local Law 2020 Reference: D/21/0000309	Sealed and signed by Chair and CEO
17/12/2020	Meeting Procedures Local Law 2020 Reference: D/21/0000310	Sealed and signed by Chair and CEO

If further information is required on the documents signed under common seal please contact the Chief Executive Officer, Gunther Hoppe on 9306 6302.

Summary of Council Resolutions

List of resolutions for the financial year 2020/2021 plus any outstanding resolutions from previous years

OCM /SCM Date	Item #	Resolution	Status
29-Apr-21	6.1	That Council approves the recommendation of the CEO Recruitment and Performance Committee to proceed with the CEO recruitment process on the basis of a 2-year term.	In progress
25-Mar-21	14.1	That the Council: Authorise the CEO to undertake a public tender process for the supply of up to 150,000 tonnes of complying waste to Tamala Park landfill for the 2021/22 financial years at the nominated price detailed within the report.	COMPLETED
	9.7	That Council: Appoint Mr Draber as the Independent Person to the Chief Executive Officer Recruitment and Performance Review Committee.	COMPLETED
	9.6	That Council: 1. Endorse the adoption of the Local Government (Model Code of Conduct) Regulations 2021 at Schedule 1 of Appendix 1, as the Mindarie Regional Council's Model Code of Conduct for Elected Members and Committee Members. 2. Endorse the Model Code of Conduct Alleged Breach Form at Appendix 2. 3. Appoint the Mindarie Regional Council Chief Executive Officer to be the Complaints Officer to receive complaints and withdrawals of complaints.	COMPLETED COMPLETED COMPLETED
	9.5	That Council: 1. adopt the Local Government Compliance Audit Return in the form approved by the Minister for the period 1 January to 31 December 2020 as contained within the Appendices in accordance with the provisions of <i>Regulation 14(3) of the Local Government (Audit) Regulations 1996</i> and in line with the recommendation from the Audit Committee; 2. authorise the Chairperson and the Chief Executive Officer to complete the Joint Certification contained in the adopted Return detailed in (1) above; and 3. authorise the Chief Executive Officer to submit the adopted Return detailed in (1) to the Director General, Department of Local Government.	COMPLETED COMPLETED COMPLETED
	9.4	That Council: 1. Receive the Landgate Report, pertaining to the Market Value Review in respect of the land leased to the Tamala Park Landfill Facility. 2. Approve the adoption of the revised Lease Rental, as recommended in the Landgate Report, effective from 1 January 2021, in accordance with the Deed of Variation for the lease dated 25 September 2006.	COMPLETED COMPLETED
	9.3	That the Council: 1. notes the recommendation of the Audit Committee meeting held on 25 February 2021 to adopt the Financial Report for the year ended 30 June 2020; 2. adopts the Annual Report for the year ended 30 June 2020, which includes the Financial Report detailed in 1. above.	COMPLETED
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 December 2020 and 31 January 2021.	COMPLETED
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 and Appendix No. 2 for the months ended 31 December 2020 and 31 January 2021.	COMPLETED
4-Mar-21	7.1	That Council: Appoint Ms Sylvana Caranna, Executive Recruitment Consultant of Lo-go Appointments to assist the CEO Recruitment Committee in the recruitment of a new CEO at the cost outlined in the report.	COMPLETED
	6.3	That Council : Approve the amendments to the Chief Executive Officer Job Description Form and selection criteria, and after: a. Essential Skills, insert "Sound financial literacy b. Essential Knowledge, insert "Demonstrated knowledge of local government Governance including report o and liaising with governing bodies: c. Insert "Highly Desirable Experience, Demonstrated change management experience and the ability to lead in new directions as endorsed by the Council"; and d. Qualifications and/or Training, Highly Desirable remove, "Knowledge of the waste management industry".	COMPLETED
	6.2	Procedural Motion: To hold the item over to the Ordinary Council Meeting to be held on 25 March 2021 so that the Council can review the qualifications of the 2 nominees.	COMPLETED
	6.1	That Council: Endorse the change to the Chief Executive Officer Recruitment and Performance Review Committee Terms of Reference and after: a. Membership/Support Consultant insert: "Independent Person", and b. Duties and Responsibilities, insert i. "g) Review the Chief Executive Officer job description form, selection criteria and the responsibilities of the position and make recommendation to Council"; ii. "h) Make recommendation to council as to the preferred independent person"; and iii. "The CEO Recruitment Process and the CEO Performance Review to comply with the minimum standards as outlined in the Department of Local Government, Sport and Cultural Industries, Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination".	COMPLETED

OCM /SCM Date	Item #	Resolution	Status
28-Jan-21	14.2	Amendment 1. Subject to the role being performed in an unpaid capacity only, gives written consent for the CEO to undertake the proposed executive role with North Coast Church (NCC), pursuant to clause 3.2(h) of his contract of employment, from 1 February 2021 until the expiry of his contract with the MRC or such shorter period until the proposed NCC role ceases; and	No further action
		2. Acknowledges that the CEO will take leave from the MRC when working for NCC during normal business hours.	No further action
	14.1	That Council notes the CEO's progress report contained in the confidential report and endorses the proposed course of action with respect to the due diligence process.	No further action
	10	That the Members Information Bulletin Issue No. 57 be received.	For Information
	9.4	That Council: 1. Approve by Absolute Majority the forecast deficit position estimated to be \$4,895,054 at 30 June 2021, which includes the following: · A net estimated decrease in total revenue of \$414,393; · A net estimated increase in expenditures of \$315,562; · A net estimated increase in the profit on sale of assets of \$16,979.	For Information
	9.3	That the Council: 1. Endorses and adopts the MRC's Waste Plan and authorises the CEO to submit the Waste Plan to the DWER for assessment.	For Action
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 30 November 2020.	No further action
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 and 2 for the month ended 30 November 2020.	No further action
17-Dec-20	14.3	That Council: Approve the additional expenditure of \$560,000 in respect of the insurance costs for the 2020/21 financial year under the Resource Recovery Facility Agreement, with the increase to be funded through the half year budget review process.	For Information
		That Council: 1. Authorise the CEO to award the tender to upgrade the MRC Ledger System Tender Number: 13/145) to Open Office Holdings Pty Ltd at the price detailed within the report.	COMPLETED
	14.2	2. Authorise the CEO to advise the unsuccessful tenderers of the outcome of the tender process.	COMPLETED
		That Council: 1. Authorise the CEO to award the tender to supply allocated tonnage tranches to the Tamala Park landfill (Tender Number: 13/144) to both Cleanaway Pty Ltd and Kelair Holdings Pty Ltd at the prices detailed within the report.	COMPLETED
	14.1	2. Authorise the CEO to advise the successful tenderers of the outcome of the tender process.	COMPLETED
		COMPLETED	
	11	1. Pursuant to clause 3.2(h) of the CEO's Contract of Employment grants written consent to the CEO to undertake the duties of Executive Chairman for the North Coast Church until 31 January 2021 with no reduction in salary.	For Information
	10	That the Members Information Bulletin Issue No. 57 be received.	For Information
	9.5	That Council: 1. resolves to make the Mindarie Regional Council Meeting Procedures Local Law 2020 as detailed in Appendix 9 and authorises the Common Seal to be affixed; 2. under section 3.12 (5) of the Act, authorises the publication of the Mindarie Regional Council Meeting Procedures Local Law 2020 in the Gazette and the provision of a copy to the relevant Minister/s; and 3. under section 3.12 (6) of the Act, authorises the MRC to give local public notice in respect of the Mindarie Regional Council Meeting Procedures Local Law 2020. Moved Cr Cole, seconded Cr Gordon PROPOSED AMENDMENT 1 Moved Cr Timmermanis, seconded Cr Cole To amend clause 5.4. At clause 5.4 (2) remove the number 15 and replace with number 7 so that clause 5.4(2) now reads: <i>A notice of motion under clause 5.4(1) is to be in the form prescribed by the Local Government, to be signed by the Member and given as least 7 clear working days before the meeting at which the motion is to be moved.</i> Motion Lost 8/4 <i>For: Cole, Jacob, Timmermanis, Vernon</i> <i>Against: Gordon, Boothman, Sargent, Proud, Newton, Cvitan, Fishwick, Ferrante</i> PROPOSED AMENDMENT 2 Moved by Cr Cole, seconded Cr Vernon At clause 9.1(1) remove the words "or amendment"; and at clause 9.1(a) remove the words "or an amendment to the officer recommendation"; and at clause 9.1(b) remove the words "an amendment", so that clause 9.1 now reads: 9.1 Motions to be stated and in writing	COMPLETED

OCM /SCM Date	Item #	Resolution	Status
		<p>(1) The procedure for moving any motion is that-</p> <p>(a) A Member who wishes to move a motion that is different to the officer recommendation, is to give notice of that motion by midday on the day that is 2 business days before the meeting.</p> <p>(b) Any motion for which notice has not been given in accordance with clause 9.1(a) is required to have the consent of the Presiding Member.</p> <p>(c) The mover must state the motion without speaking to it and is to put the motion in writing if required by the Presiding Member.</p> <p>(2) Where a Member moves a motion which differs from the relevant recommendation, or an amendment to a motion, the Presiding Member shall ask if the CEO wishes to give a verbal report to the meeting on the matter.</p> <p>CARRIED 11/1 For: Boothman, Cole, Cvitan, Ferrante, Fishwick, Gordon, Newton, Proud, Sargent, Timmermanis, Vernon Against: Jacob</p> <p>SUBSTANTIVE MOTION AS AMENDED BY AMENDMENT 2 (CARRIED UNANIMOUSLY 12/0)</p>	
	9.4	<p>That Council:</p> <ol style="list-style-type: none"> resolves to make the Mindarie Regional Council Waste Facility Site Local Law 2020 as detailed in Appendix 6 and authorises the Common Seal to be affixed; (Absolute Majority Required) under section 3.12 (5) of the Act, authorises the publication of the Mindarie Regional Council Waste Facility Site Local Law 2020 in the Gazette and the provision of a copy to the relevant Minister/s; and under section 3.12 (6) of the Act, authorises the MRC to give local public notice in respect of the Mindarie Regional Council Waste Facility Site Local Law 2020. 	COMPLETED
	9.3	<p>That Council:</p> <p>Endorses the CEO's provision of access for Stirling Skills Training to the Tamala Park Waste Management Facility, on a 12-month trial basis, for the delivery of not-for-profit training and education programs.</p>	No further action
	9.2	<p>That Council:</p> <p>Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30 September 2020 and 31 October 2020.</p>	No further action
	9.1	<p>That Council:</p> <p>Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 30 September 2020 and 31 October 2020, respectively.</p>	No further action
	8.1	<p>That the Minutes of the Ordinary Council Meeting of Council held on 22 October 2020 be confirmed as a true record of the proceedings.</p>	No further action
22-Oct-20	14.2	<p>That Council:</p> <ol style="list-style-type: none"> Authorise the CEO to award the supply of one Landfill Compactor to WesTrac Pty Ltd at the price detailed within the report. Authorise the CEO to advise the unsuccessful tenderers of the outcome of the tender process. 	COMPLETED
	14.1	<p>That Council:</p> <ol style="list-style-type: none"> Authorises the CEO to release a public request for tender for the proposed provision of landfill services at Tamala Park, Requests that, prior to tender award, the CEO bring a report back to Council containing recommendations related to the award of tonnage tranches. 	COMPLETED
	10	<p>That the Members Information Bulletin Issue No. 56 be received.</p>	For Information
	9.4	<p>That Council:</p> <ol style="list-style-type: none"> Adopt the meeting dates in Option 1 <ul style="list-style-type: none"> Ordinary Council Meeting – 28 January 2021 (City of Joondalup) Ordinary Council Meeting – 25 March 2021 (City of Wanneroo) Ordinary Council Meeting - 27 May 2021 (City of Stirling) Ordinary Council Meeting – 24 June 2021 (City of Stirling) Ordinary Council Meeting – 12 August 2021 (Town of Cambridge) Ordinary Council Meeting – 16 September 2021 (City of Vincent) Ordinary Council Meeting – 11 November 2021 (Town of Victoria Park) Ordinary Council Meeting – 16 December 2021 (City of Perth) Issue a Public Notice on the meetings location, dates and times as detailed in (1) above in accordance with Part 12 (1) of the Local Government (Administration) Regulations 1996 and the Local Government Act 1995 Adopt two Strategy Workshops for 2021, following the Ordinary Council meeting on the following dates: 27-May-21 16-Sep-21 	For Information
	9.3	<p>That Council:</p> <p>Authorises the CEO to reallocate the required funds quoted in the report from the recycling and recovery to groundwater testing, for the purpose of supporting additional groundwater monitoring activities, which will be reflected in the half budget review</p>	COMPLETED
	9.2	<p>That Council:</p> <p>Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 July 2020 and 31 August 2020.</p>	No further action

OCM /SCM Date	Item #	Resolution	Status
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 July 2020 and 31 August 2020, respectively.	No further action
	8.1	That the Minutes of the Ordinary Council Meeting of Council held on 24 September 2020 be confirmed as a true record of the proceedings.	No further action
24-Sep-20	14.2	1. Notes that the appraisal of Gunther Hoppe, Chief Executive Officer, has been undertaken for the period of 7 September 2019 to 6 September 2020. 2. Endorses the findings of the 2019/2020 Performance Review Report as presented by Price Consulting. 3. Endorses that no increase will be applied to the CEO's Total Remuneration package this year. 4. Approves the CEO's Performance Criteria for the 2020/2021 period, as per attachment 1	No further action
	14.1	Endorse the indefinite suspension of the QC KPIs in respect of Soluble Phosphorus and Electrical Conductivity under the RRFA.	COMPLETED
	9.7	That Council: 1. note the officer's report; and 2. resolves not to provide a discounted fee to member councils in respect of any of their recyclable materials brought to landfill at Tamala Park.	No further action
	9.6	That the Council: 1. Approve the addition of policy CP17 - Continuing professional development for Council Members. 2. Approve the addition of policy CP18 - IT Policy. 3. Retain the remaining Council Policies with changes as contained in Appendix 6. 4. Endorses the delegations made to the Chief Executive Officer as detailed in Attachment 1 of this report.	No further action
	9.5	That Council: 1. Approves the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 as detailed in Attachment 1 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995 with: a) Clause 6.7 (8) deleting the word 'two' and replacing with the word 'three', so that the new clause reads 'A member of the public shall have three minutes to ask a question'; b) Clause 6.9 adding the word 'Statement' so that the title of clause 6.9 now reads 'Deputations and Statements'; c) including any consequential changes to give effect to a) and b); and 2. Notes that the MRC is to invite submissions to the Mindarie Regional Council Meeting Procedures Local Law 2020 by way of a statewide public notice; and 3. Notes that a copy of the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 will be sent to the Minister for Local Government under section 3.12 of the Act; and 4. Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed Mindarie Regional Council Meeting Procedures Local Law 2020.	COMPLETED
	9.4	That Council: 1. Approves the proposed amendment to the Mindarie Regional Council Waste Facility Site Local Law 2020 as detailed in Appendix 8 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995; and 2. Notes that the MRC is to invite submissions to the amended Mindarie Regional Council Waste Facility Site Local Law 2020 by way of a statewide public notice; and 3. Notes that a copy of the proposed amendment to the Mindarie Regional Council Waste Facility Site Local Law 2020 will be sent to the Minister for Local Government under section 3.12 of the Act; and 4. Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed amendment to the Mindarie Regional Council Waste Facility Site Local Law 2020	COMPLETED
	9.3	Appoint Phillip Draber as the MRC external audit committee member, subject to his acceptance of the appointment, for the period from 24 September 2020 to 16 October 2021, the date of the next Local Government elections	No further action
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 May 2020 and 30 June 2020	No further action
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 May 2020 and 30 June 2020, respectively.	No further action
	8.3	That the Minutes of the Special Council Meeting of Council held on 20 August 2020 be confirmed as a true record of the proceedings.	No further action
8.2	That the Minutes of the Special Council Meeting of Council held on 30 July 2020 be confirmed as a true record of the proceedings.	No further action	
8.1	That the Minutes of the Special Council Meeting of Council held on 30 July 2020 be confirmed as a true record of the proceedings.	No further action	

OCM /SCM Date	Item #	Resolution	Status
20-Aug-20	7.3	That Council: 1) Endorses the officer's recommendation contained in point 1 of the Comment section of the confidential report and adding the words 'noting that the single gate fee for the remainder of the costs stays in place' after the word 'year',	COMPLETED
		2) Endorses the officer's recommendation contained in point 2 of the Comment section of the confidential report; and	COMPLETED
		3) Endorses the officer's recommendation contained in point 3 of the Comment section of the confidential report.	COMPLETED
	7.2	That Council: Requests that the CEO Recruitment and Performance Review Committee meet after October 2020 to consider the options presented in this report regarding a future CEO, and to bring a report back to Council, including: 1. Consideration of the scope of the role of the MRC CEO 2. Consideration of the preferred option to fill the role MRC CEO; and 3. Consideration of a suggested implementation timeline.	COMPLETED
	7.1	That Council: 1) Authorises the CEO to advertise a major trading undertaking business plan as outlined in the detail of the report, and included as attachment 4, subject to clauses 6 & 8 being amended to reflect the purpose statement in clause 3.	COMPLETED
		2) Requests that the CEO bring a report back to Council on whether to proceed with the proposed undertaking for approval, after the required public notice period has expired.	COMPLETED
6.1	That Council: 1. Endorse the change of the meeting frequency of the Chief Executive Officer Recruitment and Performance Review Committee, to be: <i>"The Committee shall meet as frequently as is required each year for the CEO Performance Review process and as required for the CEO Recruitment Process."</i> 2. Appoint Cr Vernon to the Chief Executive Officer Recruitment and Performance Review Committee.	No further action	
30-Jul-20	6.2	That that the matter of the recruitment of the CEO to be referred to a workshop on or before 24 September 2020 to enable all members to agree to the scoping and function of the role.	COMPLETED
	6.1	To hold the item over to a Special Council meeting in August 2020.	No further action
2-Jul-20	16.2	1. Not award the tender for the provision of services to upgrade the MRC ledger system (Tender Number: 13/143), and	COMPLETED
		2. Authorise the CEO to write to the unsuccessful tenderer and advise them of the decision not to award the tender.	COMPLETED
	16.1	That Council notes the CEO's progress report contained in the confidential report.	COMPLETED
	11.6	Endorses the MRC's proposed responses to the DWER's consultation papers entitled <i>Closing the Loop</i> and <i>Review of the Waste Levy</i> respectively, and authorises the CEO to submit the responses on behalf of the MRC subject to amending the words in the first sentence in paragraph one on Page 129 of the Appendices from: <i>The MRC would encourage the State Government to increase the waste levy and at the same time, the level of hypothecation of the levy should be increased to fund recovery activities across the state.</i> To: The MRC would encourage the State Government to only increase the waste levy when the increase is fully hypothecated to fund recovery activities across the State.	COMPLETED
	11.5	To defer the item to the next Council meeting.	COMPLETED
	11.4	That Council note the CEO's report.	No further action
11.3	That Council: (i) adopt the Budget for the Mindarie Regional Council for 2020/21 financial year (ii) endorse the on-going strategy of deferred payment of operational surpluses, as approved by Council at its August 2005 meeting, for the 2005/06 financial year and future years to meet its on-going capital requirements (iii) Approve the Capital Budget Program of \$2,106,154 for 2020/21 as follows: <u>New capital expenditures</u> \$ · Office furniture and equipment 10,000 · Computer equipment 86,000 · Plant and equipment and vehicles 1,330,000 · Infrastructure <u>610,154</u> 2,036,154 <u>Carry forward capital expenditures</u> · Computer equipment 70,000 <u>Total Capital expenditure 2,106,154</u> (v) approve that \$349,482 will be transferred from the Operating Deficit to the Site Rehabilitation Reserve; (vi) approve that \$2,106,154 be transferred from the Reserve for Capital Expenditure to the Operating Deficit to fund capital expenditures;	No further action	

OCM /SCM Date	Item #	Resolution	Status
		<p>(vii) Approve that \$250,000 will be transferred from the Operating Deficit to the RRF Maintenance reserve;</p> <p>(viii) approve that any funds required for carbon abatement projects be transferred from the Carbon Abatement Reserve to the Operating Deficit;</p> <p>(ix) approve that any funds required for RRF maintenance obligations be transferred from the RRF Maintenance Reserve to the Operating Deficit;</p> <p>(x) approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the respective reserves; and</p> <p>(xi) approve that the budgeted Operating Deficit will be funded from the Participants' Surplus Reserve and Retained Surpluses as required.</p>	
	11.2	That the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 March 2020 and 30 April 2020, be noted.	No further action required
	11.1	That the Financial Statements set out in Appendix No 1 and 2 for the months ended 31 March 2020 and 30 April 2020, respectively, are received.	No further action required
	10.2	That the recommendations for items 10.1 and 10.2 be adopted	No further action required
6-Jul-17	13	That the Chief Executive Officer be requested to conduct a review of the Mindarie Regional Council's (MRC) band classification as determined by the Salaries and Allowances Tribunal (SAT) to ascertain if there is justification for the MRC in making a submission to the SAT to be reclassified from a band 3 Regional Council to a band 2 Regional Council.	OUTSTANDING