



MINUTES

SPECIAL COUNCIL MEETING

THURSDAY 6 MAY 2010

TIME – 5.30PM

VENUE – TOWN OF CAMBRIDGE

Managing waste and recovering resources responsibly

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



MINDARIE REGIONAL COUNCIL


NOTICE OF MEETING

6 May 2010

Councillors of the Mindarie Regional Local Government are respectfully advised that a Special Meeting of the Council will be held in the Council Chambers of the Town of Cambridge, 1 Bold Park Drive, Floreat, at 5.30pm on Thursday 6 May 2010.

The business papers pertaining to the meeting follow.

Your attendance is requested.



KEVIN POYNTON
Chief Executive Officer

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

Cr J Bissett (John)	Town of Victoria Park
Cr D Boothman (David)	City of Stirling
Cr R Butler (Rob)	City of Perth
Cr S Cooke (Sharon)	City of Stirling
Cr S Farrell (Steed)	Town of Vincent
Cr R Fishwick (Russ)	City of Joondalup
Cr L Gray JP (Laura)	City of Wanneroo
Cr K Hollywood (Kerry)	City of Joondalup
Cr D Newton JP (Dot)	City of Wanneroo
Cr C MacRae (Corinne)	Town of Cambridge
Cr J Robbins (Jason)	City of Stirling
Cr B Stewart (Bill)	City of Stirling

NB: Although some Councils have nominated alternate members, it is a precursor to any alternate member acting that a Council carries a specific resolution for each occasion that the alternate member is to act, referencing Section 51 of the Interpretation Act. The current Local Government Act does not provide for the appointment of deputy or alternate members of Regional Councils. The DLGRD is preparing an amendment to rectify this situation.

MINUTES OF THE SPECIAL COUNCIL MEETING OF THE MINDARIE REGIONAL COUNCIL HELD IN THE COUNCIL CHAMBERS OF THE TOWN OF CAMBRIDGE, 1 BOLD PARK DRIVE, FLOREAT, WESTERN AUSTRALIA ON THURSDAY 6 MAY 2010 COMMENCING AT 5.30PM.

PRESENT: Chairman

Cr R Fishwick
Cr D Boothman
Cr R Butler
Cr S Cooke
Cr S Farrell
Cr L Gray JP
Cr K Hayes
Cr K Hollywood
Cr C MacRae
Cr D Newton JP
Cr J Robbins

APOLOGIES:

Cr J Bissett
Cr B Stewart

ABSENT:

Nil

IN ATTENDANCE:

Mindarie Regional Council Officers

K F Poynton Chief Executive Officer
K Dhillon
L Nyssen

Member Council Officers

E Albrecht
J Buckley
K Caple
C Colyer
G Eves
J Giorgi
M Glover
E Herne
G Hunt
S Jardine
D Simms
S Spinks
J Wong

Consultants

J Woodhouse

VISITORS:

Nil

MEDIA:

Amy Wilson-Chapman

Confirmed by resolution of the Council on 1 July 2010

.....Chairman

PUBLIC:

N Douglas

**MINUTES
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1	OATHS/AFFIRMATIONS OF ALLEGIANCE AND DECLARATIONS OF OFFICE
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Cr Hayes completed Form 7 Declaration by Elected Member of Council.

2	QUESTION TIME
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Nil.

3	ATTENDANCE AND APOLOGIES
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Refer Page 3.

4	ANNOUNCEMENTS
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Nil.

5	DEPUTATIONS
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Nil.

6	BUSINESS FROM A PREVIOUS MEETING TREATED AS AN ORDER OF THE DAY
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Nil.

7	REPORTS
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Declaration of Financial/Conflict of Interest to be recorded prior to dealing with each item.

Disclosure of Financial and Proximity Interests

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

Disclosure of Interest Affecting Impartiality

- (a) *Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.*
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7.1

File No: FIN/92

SUBJECT: REVIEW OF MEMBER FEES MODEL

MOTION TO CONSIDER

That Council resolve to consider Notice of Motion at Attachment One to the Minutes.

MOTION: (Moved: Cr Boothman Seconded: Cr Cooke)

(Carried: One-third of Council i.e. Four Councillors)

NOTION OF MOTION

That Council:

- (i) **note the information in this Item in relation to a review of the MRC member fee model; and**
- (ii) **retain the processable/non processable model for member fees'**

MOTION: (Moved: Cr Boothman Seconded: Cr Cooke)

Cr Boothman advised Council that the continuation of a single fee gate fee model would have an adverse impact of the following commercial aspects of the City of Stirling programs.

- Potential reduction in waste volume at Balcatta Transfer Station due to a need for City of Stirling to increase that fee, in order to include the additional cost of waste processing by MRC
- Contractual issues with Atlas – the City of Stirling transport contractor for material delivered from Balcatta to MRC facilities – due to this reduction in volume.

Cr Cooke reinforced the following points in favour of the multi fee model:

- That the multi fee model was fair and equitable
- That Deloitte, the MRC's financial advisers, had supported this multi fee model, on the basis of commercially accepted custom and practice
- That the retention of the multi fee model was one basis for City of Stirling signature to the RRF financial guarantee

Cr Robbins requested hard copy of legal advice provided to MRC on 22 April 2010, and the Chairman indicated that was not possible.

The Motion was then put and lost.

(Lost: 3/8)

(Cr Boothman, Cr Cooke, Cr Robbins in favour)

8 NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

The CEO confirmed the receipt, by the administration, of a Notice of Motion, for consideration at Ordinary Council Meeting 1 July 2010, in response to a question from Cr Boothman.

9	NEXT MEETING
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9.1	Ordinary Council Meeting
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- 1 July 2010
- 5.30pm
- City of Stirling

10	CLOSURE – MEETING DECLARED CLOSED 5.40PM
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ITEM 7.1 REVIEW OF MEMBER FEES MODEL

File No: **FIN/92**

Attachment(s): **1. Notice of Motion**

Author: **Kevin Poynton**

BACKGROUND

Council, at its Ordinary Council Meeting, held on 22 April 2010 resolved as follows:

That Council:

- (i) note the information in this item in relation to a review of the MRC member fee model*
- (ii) adopt a single fee model as the basis for determining the fee for the acceptance of waste from member Councils for the 2010/2011 budget*
- (iii) authorise the CEO to present a report to the Council Budget Workshop scheduled for 13 May 2010, on the characteristics of the 'single fee' model*

No action has been taken to implement this decision.

The administration received a Notice of Motion immediately following closure of the meeting. The Notice (copy) is at Attachment One to this Item, and states:

That the decision of the Council made on 22 April 2010 in respect of item 8.1.1 be revoked and replaced with the following –

'That Council:

- (i) note the information in this Item in relation to a review of the MRC member fee model; and*
- (ii) retain the processable/non processable model for member fees'.*

The Notice is signed by four Councillors.

The effect of the Notice is that the administration cannot take steps to implement the decision regarding 'single fee' until the Notice is dealt with (MRC Standing Orders 14.1 refer).

Governance action to deal with this Notice has been progressed.

DETAIL

Governance Process

The proper governance process to deal with this Notice, on the basis of legal advice from Mr John Woodhouse (Woodhouse Legal) is as follows:

- Record of the Notice within the MRC TRIM system
 - Advice from four Councillors to CEO to call a special meeting of Council to deal with the Notice (in accordance with the LG Act s.5.4). This has been received
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- Issue of a meeting notice for Special Council Meeting. This has been issued
 - Issue of meeting papers for Special Council Meeting
 - Consideration of the Notice of Motion at Special Council Meeting

CONSULTATION

Not applicable.

STATUTORY ENVIRONMENT

This Notice has been progressed in accordance with Local Government Act.

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

COMMENT

Council consideration of the Notice of Motion is now appropriate.

ATTACHMENT ONE
TO ITEM 7.1
SPECIAL COUNCIL MEETING
6 MAY 2010
NOTICE OF MOTION

Notice of Motion

That the decision of the Council made on 22 April 2010 in respect of item 8.1.1 be revoked and replaced with the following –

‘That Council:

- (i) note the information in this Item in relation to a review of the MRC member fee model; and
- (ii) retain the processable/non processable model for member fees’.

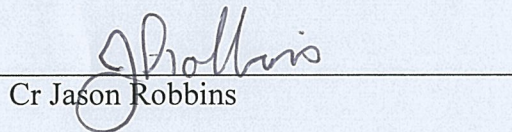
Signed



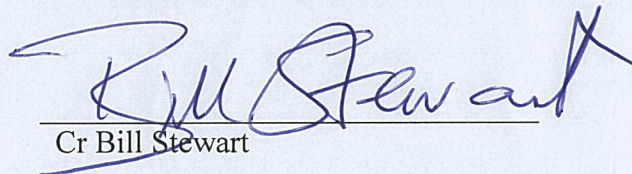
Cr David Boothman



Cr Sharon Cooke



Cr Jason Robbins



Cr Bill Stewart

Dated: 22 April 2010