

MINUTES

Special Council Meeting City of Joondalup

MINUTES OF
SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP
HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



ON MONDAY, 17 SEPTEMBER 2007



MINUTES OF SPECIAL MEETING OF COUNCIL
HELD ON 17 SEPTEMBER 2007

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REPORTS

JSC02-09/07 RECONSIDERATION OF MEMBER COUNCIL GUARANTEES
FOR THE RESOURCE RECOVERY FACILITY - [03149] [36958]

C67-09/07 **MEETING TO GO TO OPEN DOORS - [02154] [08122]**

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CLOSURE

CITY OF JOONDALUP

MINUTES OF SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON MONDAY, 17 SEPTEMBER 2007

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 1804 hrs.

ATTENDANCES

Mayor:

T PICKARD

Councillors:

Cr KERRY HOLLYWOOD	North Ward
Cr TOM McLEAN	North Ward
Cr STEVE MAGYAR	North-Central Ward
Cr MARIE MACDONALD	Central Ward
Cr GEOFF AMPHLETT	Central Ward
Cr SUE HART	South-East Ward
Cr BRIAN CORR	South-East Ward
Cr RUSS FISHWICK	South Ward
Cr RICHARD CURRIE	South Ward

Officers:

Chief Executive Officer	G HUNT
Director, Corporate Services:	M TIDY
Director, Infrastructure Services:	D DJULBIC
Director, Governance & Strategy:	I COWIE
Manager, Marketing Communications & Council Support:	M SMITH
Acting Administrative Services Co-ordinator:	L TAYLOR

In Attendance

Mr Kevin Poynton, CEO Mindarie Regional Council
Mr Kalwant Dhillon, Finance & Business Services Manager, Mindarie Regional Council
Mr Ian Watkins, Project Manager, Mindarie Regional Council
Mr Andrew Mack, Cardno BSD
Mrs Melanie Cave, Freehills
Mr John Woodhouse, Woodhouse Legal

There were no members of the Public or Press in attendance.

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously approved**

Cr Albert Jacob 12 – 26 September 2007 inclusive

Apology – Cr John

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil.

DECLARATIONS OF FINANCIAL INTEREST

Nil.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

JSC02-09/07 Reconsideration of Member Council Guarantees for the Resource Recovery Facility

C62-09/07 MOTION TO GO BEHIND CLOSED DOORS

MOVED Mayor Pickard, **SECONDED** Cr Hart that in accordance with section 5.23 of the Local Government 1995 and clause 67 of the City of Joondalup's Standing Orders 2005 that this Special Meeting of the Council sit behind closed doors to consider Item JSC02-09/07 - Reconsideration of member Council guarantees for the Resource Recovery Facility as the matter relates to a proposed contract the City maybe a party to, with the following employees and persons being in attendance:

Chief Executive Officer
Director Governance & Strategy
Director Corporate Services
Director Infrastructure Management
Manager Marketing Communications & Council Support
Acting Administrative Services Coordinator
Mr Kevin Poynton, CEO, Mindarie Regional Council (MRC)
Mr Kalwant Dhillon, Finance & Business Services Manager, (MRC)
Mr Andrew Mack, Cardno BSD
Mrs Melanie Cave, Freehills
Mr John Woodhouse, Woodhouse Legal

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Fishwick, Hart, Hollywood, Magyar, Macdonald and McLean

**JSC02-09/07 RECONSIDERATION OF MEMBER COUNCIL
GUARANTEES FOR THE RESOURCE RECOVERY
FACILITY - [03149] [36958]**

WARD: All

RESPONSIBLE Mr Mike Tidy
DIRECTOR: Corporate Services

THIS ITEM IS CONFIDENTIAL - NOT FOR PUBLICATION

The Report was circulated to Elected Members under separate cover.

MOVED Mayor Pickard, SECONDED Cr Hart that Council:

- 1 ACKNOWLEDGES and ACCEPTS the increased contingent liability and exposure resulting from proceeding with the provision of a financial guarantee for the Mindarie Regional Council's Resource Recovery Project, as detailed in Report JSC02-09/07 and resulting from changes to the:**
 - (a) Proposed Resource Recovery Facility Agreement;**
 - (b) The replacement of the previous asset manager and shareholder in BioVision 2020 with Sita Australia Pty Ltd, trading as Sita Environmental Solutions;**
- 2 REAFFIRMS its decision of 21 November 2006 CJ233-11/06 in relation to Items 1 and 3 and proceeds with the execution of the Deed of Guarantee.**

AMENDMENT MOVED Cr Macdonald, SECONDED Cr Hart that an additional Point 3 be added to the Motion as follows:

"3 That Council NOTES that documentation in relation to this Item will not be released until after formal adoption by the Mindarie Regional Council, anticipated to be 27 September 2007."

With the agreeance of both the Mover and Seconder and the Council, the date 27 September 2007 be removed from the Amendment.

The Amendment was Put and

CARRIED (10/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Currie, Fishwick, Hart, Hollywood, Magyar, Macdonald and McLean

The Original Motion as amended, being:

That Council:

- 1 **ACKNOWLEDGES and ACCEPTS** the increased contingent liability and exposure resulting from proceeding with the provision of a financial guarantee for the Mindarie Regional Council's Resource Recovery Project, as detailed in Report JSC02-09/07 and resulting from changes to the:
 - (a) **Proposed Resource Recovery Facility Agreement;**
 - (b) **The replacement of the previous asset manager and shareholder in BioVision 2020 with Sita Australia Pty Ltd, trading as Sita Environmental Solutions;**
- 2 **REAFFIRMS** its decision of 21 November 2006 CJ233-11/06 in relation to Items 1 and 3 and proceeds with the execution of the Deed of Guarantee;
- 3 **NOTES** that documentation in relation to this Item will not be released until after formal adoption by the Mindarie Regional Council.

was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Fishwick, Hart, Hollywood, Magyar, Macdonald and McLean

C67-09/07

MEETING TO GO TO OPEN DOORS - [02154, 08122]

MOVED Mayor Pickard, **SECONDED** Cr Hart that in accordance with clause 67 of the City of Joondalup's Standing Orders Local Law 2005, that the Special Meeting of Council held on 17 September 2007 be held with open doors, the time being 1900 hrs.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Fishwick, Hart, Hollywood, Magyar, Macdonald and McLean

In accordance with clause 67 of the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the Motion with respect to JSC02-09/07 – Reconsideration of Member Council Guarantees for the Resource Recovery Facility.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 1905 hrs; the following Elected members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr S MAGYAR
Cr M MACDONALD
Cr G AMPHLETT
Cr S HART
Cr B CORR
Cr R FISHWICK
Cr R CURRIE