



Special Meeting of Council

Thursday 29 September 2022

MINUTES

Online Zoom Meeting

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

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MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Jane Cutler	
City of Joondalup	Cr John Chester Cr Nige Jones	Cr Russ Fishwick Cr John Raftis
City of Perth	Cr Brent Fleeton	Cr Clyde Bevan
City of Stirling	Cr Tony Krsticevic Cr Suzanne Migdale (DEPUTY CHAIR) Cr Bianca Sandri (CHAIR) Cr Karlo Perkov	Cr David Lagan
Town of Victoria Park	Cr Bronwyn Ife	Cr Claire Anderson
City of Vincent	Cr Ashley Wallace	Cr Jonathan Hallett
City of Wanneroo	Cr Brett Treby Cr Glynis Parker	Cr Linda Aitken Cr Vinh Nguyen

PRESENT

Chair	Cr Bianca Sandri
Deputy Chair	Cr Suzanne Migdale
Councillors	Cr John Chester Cr Jane Cutler Cr Brent Fleeton Cr Bronwyn Ife Cr Nige Jones Cr Tony Krsticevic Cr Glynis Parker Cr Karlo Perkov Cr Ashley Wallace (<i>from 12:16pm</i>)
Alternate Members	Nil
Staff	Mr Chris Adams (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant/Office Manager) Ms Sonia Starr (Project Officer) Mr Daniel Govus (Senior Governance Officer – City of Stirling)
Apologies Councillors	Cr Brett Treby
Leave of Absence	Nil
Absent	Nil
Consultants	Nil
Apologies Participant Councils' Advisers	Mr David MacLennan (City of Vincent) Mr Kelton Hincks (Town of Cambridge) Mr Anthony Vuleta (Town of Victoria Park) Mr Stuart Jardine (City of Stirling) Mr Daniel Simms (City of Wanneroo) Mr James Pearson (City of Joondalup) Ms Michelle Reynolds (City of Perth)
In Attendance Participant Councils' Advisers	Nil
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 12:01pm.

2. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr Brett Treby

3. DISCLOSURE OF INTERESTS

Nil

4. PUBLIC STATEMENT/QUESTION TIME

Nil

5. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

The Chair noted that this would be Cr Jane Cutler's last meeting as the Town of Cambridge's representative on the TPRC. The Chair recorded their thanks to Cr Cutler for her contribution to the TPRC.

6. PETITIONS

Nil.

7. ADMINISTRATION REPORTS AS PRESENTED

7.1 STATEMENT OF FINANCIAL ACTIVITY FOR JULY 2022

Moved Cr Migdale, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statement of Financial Activity for the month ending 31 July 2022.

The Motion was put and declared CARRIED (10/0).

7.2 DELEGATION OF AUTHORITY REGISTER – SEPTEMBER 2022

Moved Cr Migdale, Seconded Cr Jones.

[The recommendation in the agenda]

That the Council APPROVES the TPRC Delegation of Authority Register (September 2022).

The Motion was put and declared CARRIED (10/0) by absolute majority.

8. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

9. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAVE BEEN GIVEN

Nil

10. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

11. GENERAL BUSINESS

Nil

12. DECISION TO MOVE TO CONFIDENTIAL SESSION

Moved Cr Migdale, Seconded Cr Cutler.

That:

Item 12.1 – SALE OF LOT 341 RATHMINES STREET – TENDER 03/2022 be CONSIDERED Behind Closed Doors in accordance with Sections 5.23(2)(c) and (e) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and***
- e) A matter that if disclosed would reveal –***
 - i) information that has commercial value to a person; or***
 - ii) information about the business, professional, commercial or financial affairs of a person.***

Where the information is held by, or is about, a person other than the TPRC (section 5.23(2)(e)).

The Motion was put and declared CARRIED (10/0).

At 12:12pm the meeting was closed to the public, and all attendees who were not required left the meeting prior to consideration of Item 12.1.

Cr Ashley Wallace joined the meeting at 12:16pm.

12.1 SALE OF LOT 341 RATHMINES STREET – TENDER 03/2022

Moved Cr Migdale, Seconded Cr Cutler.

That the Council:

- 1. PROCEEDS with the confidential recommendation as outlined in the Confidential Agenda.**
- 2. RESOLVES that this report, attachments and resolution remain confidential in accordance with section 5.23(2)(d) and (e) of the *Local Government Act 1995*.**

The Motion was put and declared CARRIED (11/0).

Moved Cr Jones, Seconded Cr Perkov.

That the meeting be REOPENED to the public.

The Motion was put and declared CARRIED (11/0).

At 12:18pm the meeting was reopened to the public. As no members of the public returned to the meeting, the resolutions passed behind closed doors were not read out by the Chair.

13. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 12:19pm.



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

29 SEPTEMBER 2022

CITY OF VINCENT

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



CITY OF VINCENT

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Prior to the meeting starting Cr Ferrante made the required declaration of office for the position of Councillor of the Mindarie Regional Council (MRC) in accordance with the Local Government Act 1995 (Schedule 9.3, clause 10) using s702 of the Local Government Act 1960 (repealed). Cr Proud also made the required declaration of office, as an alternate member.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.35 pm

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr A Jacob	City of Joondalup
Cr C May	City of Joondalup
Cr L Gobbert, JP	City of Perth
Cr C Hatton	City of Stirling
Cr S Proud, JP	City of Stirling
Cr J Ferrante	City of Stirling
Cr A Castle	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr P Miles	City of Wanneroo
Cr K Shannon	Town of Cambridge

MRC Officers

Mr S Cairns (Chief Executive Officer)
Ms A Arapovic (Finance Manager)
Mr B Twine (Operations Manager)
Ms S Cherico (Human Resources Officer)
Ms D Toward (Executive Support)

Apologies

Cr Lisa Thornton City of Stirling

Approved leave of absence

Cr E Re City of Stirling

Member Council Observers

Mr M MacPherson	City of Joondalup
Mr G Taylor	City of Perth
Mr A Murphy	City of Stirling
Mr N Stewart	City of Stirling
Mr P Varris	City of Vincent
Mr D Simms	City of Wanneroo
Mr A Kowero	City of Wanneroo
Mr J Wong	Town of Victoria Park

3 DECLARATION OF INTERESTS

Interest Type	Financial Interest
Name and Position of Person	Mr Scott Cairns – Chief Executive Officer
Report No and Topic	14.4 CEO Recruitment and Performance Review Committee – Consideration of Committee’s recommendation
Name of Interest	I am the CEO and the report concerns my employment contract

4 PUBLIC QUESTION TIME

Public question time opened at 6.37pm
There were no members of the public present.
Public question time closed at 6.37 pm.

5 ANNOUNCEMENT BY THE PRESIDING PERSON

The Chair welcomed Cr Joe Ferrante as the newly appointed representative for the City of Stirling.
The Chair also welcomed the City of Stirling Deputy Mayor, Cr Stephanie Proud, to the meeting as the City’s alternate member covering the approved leave of absence for Cr Elizabeth Re.

6 APPLICATION FOR LEAVE OF ABSENCE

Cr Elizabeth Re had previously submitted a request for Leave of Absence from Council duties on 24 November 2022.

**Moved Cr Vernon, seconded Cr May
RESOLVED**

That Council approves the request for Leave of Absence from Council duties for Cr Re on 24 November 2022.

(CARRIED UNANIMOUSLY 11/0)

7 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 25 AUGUST 2022

The Minutes of the Ordinary Council Meeting held on 25 August 2022 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 25 August 2022 be confirmed as a true record of the proceedings.

**Moved Cr Cvitan, seconded Cr Hatton
RESOLVED**

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

9	CHIEF EXECUTIVE OFFICER REPORTS
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9.1	ELECTION FOR DEPUTY CHAIRPERSON
File No:	GF-22-0000078
Attachment(s):	Nil
Date:	05 September 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to fill a vacancy in the Office of the Deputy Chairperson of the Mindarie Regional Council (MRC).

BACKGROUND

In accordance with the *Local Government Act 1995* and the *Local Government Act 1960* the MRC shall have a Chairperson and a Deputy Chairperson.

A regional councillor may resign from his office by written notice to the constituent municipality who appointed him. Where a councillor ceases to be a Councillor for the constituent municipality then the office of the regional councillor automatically becomes vacant.

Where a vacancy occurs in the Office of Deputy Chairperson, at the first Ordinary Council meeting held after the vacancy occurs, the MRC is to hold a secret ballot to fill the vacancy for the remainder of the term of the former Deputy Chairperson.

DETAILS

At its Ordinary Council Meeting held on 07 July 2021, the MRC appointed Mr Keith Sargent as Deputy Chairperson to the MRC.

On 5 September 2022 the MRC received notification that Mr Sargent had resigned from his position as Councillor at the City of Stirling, thereby creating a vacancy in the office of the Deputy Chairperson for the MRC.

An election for the position of Deputy Chairperson is required.

LEGAL COMPLIANCE

Local Government Act 1995
Local Government Act 1960

FINANCIAL IMPLICATIONS

The remuneration for the position of Deputy Chair is:

	Fee (\$)	LG Allowance (\$)	Allowance (Technology) (\$)
DEPUTY CHAIRPERSON	10,824	2,015	1,025
EXPENSES	Child Care and Travel Costs will be reimbursed in accordance with Reg. 31 and 32 of the Local Government (Administration) Regulations 1996		

COMMENT

Nil

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

Appoint Cr _____ as the Deputy Chairperson effective from 29 September 2022 to 30 June 2023.

In accordance with the *Local Government Act 1995 (schedule 9.3, Clause 10(c))* an election was conducted by the Chair under s.709 (3) of the transitional provisions of the *Local Government Act 1960 (repealed)*.

The Chair asked the CEO to confirm the number of nominations received. The CEO advised Council that two (2) nominations had been received as follows:
Cr Elizabeth Re
Cr Albert Jacob

The Chair asked if there were any further nominations, there being no other nominations, nominations closed at 6.40 pm.

Prior to voting Cr Jacob made a short speech.

The voting slips were counted by the meeting secretary and verified by the CEO.

The Chair confirmed the result of the election:
Ten (10) votes Cr Jacob and one (1) vote to Cr Re.

The Chair announced Cr Jacob as the Deputy Chairperson effective from 29 September 2022 to 30 June 2023.
Cr Jacob signed the required declaration for the office of deputy Chairperson.

9.2	APPOINTMENT TO FILL VACANCY ON CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE
File No:	GF-22-0000115
Attachment(s):	1. CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE
Date:	05 September 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek the appointment of a Councillor of the Mindarie Regional Council (MRC) to the CEO Recruitment and Performance Review Committee (the Committee).

BACKGROUND

In accordance with the Local Government Act 1995 Council can establish committees to assist with its decision-making functions and responsibilities. Attachment 1 to this agenda item provides details of the tenure, membership, duties and responsibilities associated with being a member of the Committee.

DETAILS

At its Ordinary Council Meeting held on 11 November 2021, the MRC appointed the following Councillors to the Committee:

Cr Karen Vernon CHAIR	Councillor	Town of Victoria Park
Cr Albert Jacobs (JP)	Councillor	City of Joondalup
Cr Frank Cvitan (JP)	Councillor	City of Wanneroo
Cr Chris Hatton	Councillor	City of Stirling
Keith Sargent	RESIGNED	City of Stirling

On 5 September 2022 the MRC received notification that Mr Keith Sargent had resigned from his position as Councillor at the City of Stirling, creating a councillor vacancy on the MRC for the City of Stirling, and subsequently a vacancy on the MRC CEO Recruitment and Performance Review Committee.

This report also seeks to appoint a Deputy Committee Member to the Committee.

The following provides a brief explanation of the purpose of the Committee.

Chief Executive Officer's Recruitment and Performance Review Committee

This committee was established in 2017 to combine recruitment and performance into one single committee consisting of five Councillors. 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.

LEGAL COMPLIANCE

Local Government Act 1960

Local Government Act 1995

FINANCIAL IMPLICATIONS

There is no remuneration attached to this position.

COMMENT

Nil

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Appoint Cr _____ onto the Chief Executive Recruitment and Performance Review Committee.**
- 2. Appoint Cr _____ as a deputy member onto the Chief Executive Recruitment and Performance Review Committee.**

The Chair confirmed that she had received one nomination from Cr Alex Castle for membership onto the CEO Recruitment and Performance Review Committee. The Chair called for any further nominations, Cr Ferrante nominated.

There being two nominations for one position, an election was conducted, the Chair announced Cr Ferrante as the elected member on the CEO Recruitment and Performance Review Committee with six (6) votes to five votes (5).

The votes were counted by the Human Resources Officer and verified by the CEO.

The Chair then called for nominations for the Deputy Member of the CEO Recruitment and Performance Review Committee.

Cr Castle nominated for the Deputy Member of the CEO Recruitment and Performance Review Committee.

Moved Cr Vernon, seconded Cr Jacob
RESOLVED

That the Council:

- 1. Appoint Cr Ferrante onto the Chief Executive Recruitment and Performance Review Committee.**
- 2. Appoint Cr Castle as a deputy member onto the Chief Executive Recruitment and Performance Review Committee.**

That the recommendation be adopted
(CARRIED UNANIMOUSLY 11 /0)

ATTACHMENT 1

CHIEF EXECUTIVE OFFICER'S RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE

MEMBERSHIP/SUPPORT HR CONSULTANT

Five Councillors
One support HR Consultant
One Independent Member (for Recruitment)

MEETING FREQUENCY

The Committee shall meet as and when required.
Recruitment: when a vacancy occurs.
Performance Review: normally three or four meetings per year

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of this committee is:

- when a vacancy occurs, participate in the recruitment of a CEO
- review on an annual basis, the CEO's performance in accordance with the Key Performance Indicators set by the Committee in the previous year; and
- Review 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.

5.11A. Deputy committee members

- (1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

**Absolute majority required.*

- (2) *A person who is appointed as a deputy member of a committee is to be -*
- (a) if the member of the committee is a council member – a council member; or*
 - (b) if the member of the committee is an employee – an employee; or*
 - (c) if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or*
 - (d) if the member of the committee is a person appointed under section 5.10(5) - a person nominated by the CEO.*

- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*

- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member*

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."*
-

9.3	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 JULY 2022 AND 31 AUGUST 2022
Reference:	GF-22-0000196
Appendix(s):	Appendix No. 1, 2 and 3
Date:	13 September 2022
Responsible Officer:	Finance Manager

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 Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Investing Activities
- Tonnage Report

DETAIL

The Financial Statements for the months ended 31 July 2022 and 31 August 2022 are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the two months to 31 August 2022 is attached at **Appendix No. 3**.

The financial statements are pending external auditor approval and are subject to change.

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 year to date period ended 31 August 2022

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	15,300	14,757	542
Tonnes – Others	6,646	3,063	3,583
TOTAL TONNES	21,946	17,820	4,125
	\$	\$	\$
Revenue – Members	4,311,181	4,305,195	5,986
Revenue – Other	2,229,720	1,873,104	356,616
TOTAL REVENUE	6,540,901	6,178,299	362,602
Expenses	5,940,013	5,760,211	(179,802)
Expense Roundings	(1)	-	(1)
Profit on sale of assets	-	-	-
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
NET SURPLUS/(DEFICIT)	600,887	418,088	182,799

Members

Members tonnages for the financial period ended 31 August 2022 were 542 tonnes in excess of budget.

Trade & Casuals

The Casual and Trade tonnages are 3,583 tonnes higher than forecast for the financial year to date. 5,245 tonnes delivered through the discounted rate waste tender.

Overall tonnages for the financial period ended 31 August 2022 were 4,125 tonnes more than budgeted.

The net result variance against budget of \$182,799 is attributable to increased tonnages above budgeted forecast abated by increased landfill levy costs.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 July 2022 and 31 August 2022.

Moved Cr Hatton, seconded Cr Cvitan

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

9.4	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JULY 2022 AND 31 AUGUST 2022
File No:	GF-22-0000196
Appendix(s):	Appendix No. 4 and 5
Date:	13 September 2022
Responsible Officer:	Finance Manager

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified above. 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 2022 and 31 August 2022 is at **Appendix 4 and 5** to this Item and 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 16 September 2021, 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 2022	General Municipal	Cheques	\$1,992.05
		EFT	\$4,227,118.12
		DP	\$383,830.14
		Inter account transfers	\$0.00
		Total	\$4,612,940.31
31 August 2022	General Municipal	Cheques	\$3,619.51
		EFT	\$882,596.48
		DP	\$4,363,797.66
		Inter account transfers	\$0.00
		Total	\$5,250,013.65

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 July 2022 and 31 August 2022.

Moved Cr Proud, seconded Cr May

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

9.5	REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER
File No:	GF-22-0000165
Appendix(s):	Appendix 6 - Council Policies – clean copy Appendix 7 - Council Policies – tracked changes
Attachment(s):	Attachment 1 - Register of Delegations
Date:	15 September 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks endorsement of the review undertaken by the Chief Executive Officer (CEO) on the current Council Policies and delegations to the CEO.

BACKGROUND

Sections 5.18 and 5.46 of the *Local Government Act 1995* (the Act) require that at least once every financial year, delegations are to be reviewed by the Council.

The MRC's Corporate Business plan requires that the Council Policies are relevant and reviewed by Council.

Council are requested to endorse the reviewed Delegations Register and Council Policies to ensure they are operating effectively, providing for efficient and timely administrative decisions and services in relation to discretionary decisions the Council has the ability to make by virtue of the Act and other statutes.

DETAIL

The 2022 annual review of the Register of Delegations of Authority and Council Policies and was undertaken to determine the appropriateness of existing delegations and Council Policies.

The Chief Executive Officer's review of the Register of Delegations and Council Policies identified a number of changes.

There have been no changes proposed to the Register of Delegations, the Register of Delegation is submitted in attachment 1.

Proposed amendments/additions to Council Policies are submitted in Appendices 6 and 7 (Council Policies).

A summary of the changes for the Council Policies is as follows:

CP01 – Annual Fees, Allowances and Expenses for Councillors
Change to LG Allowances

CP02 – Affixing of the Common Seal
No change

CP03 – Councillor Arrangements when attending an Overseas/Interstate/Intrastate Conference
Change – reference to Director Corporate Services replaced with Finance Manager.

CP04 – Employee Arrangements when attending an Overseas/Interstate/Intrastate Conference Change – reference to Director Corporate Services replaced with Finance Manager.

CP06 - Purchase of Goods and Services
Change – includes reference to Tenderlink and MRC no longer accepting tenders direct and includes section on sustainable procurement.

CP08 - Provision and Use of Council Vehicles
Change – remove reference to Director Corporate Services replaced with Finance Manager

CP09 - Investments
No change

CP10 – Donations – Financial Assistance/Support
Changes to clarify donation/discount

CP11 – Use of Corporate Credit Cards
Change – reference to Director Corporate Services replaced with Finance Manager.

CP12 – Gate Fee Setting
No change

CP13 – Budget Variance Reporting Threshold
No change

CP14 – Acting Chief Executive Officer Appointment
No change

CP15 – Employer/Employee Matching Community Contributions
No change

CP16 – Legal Representation for Mindarie Regional Council Elected Members, Committee Members, Committee Members and Employees
No Change

CP17 – Continuing professional development for Council Members
No change

CP18 - IT Policy
No change

CP19 – Recordkeeping Policy
New Policy

CP20
Attendance at Events Policy
New Policy

CP21

Payments to Employees upon cessation of Employment
New Policy

CP22

MRC Councillors' Communication Policy
New Policy

EP01 – Environmental Policy

No change

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

The following extracts from the Act relate to Council's obligations in the areas of policy development and delegations to the CEO.

“2.7. Role of Council

(1) The Council —

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the Council is to —

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

- (a) this Act other than those referred to in section 5.43; or*
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;*
 - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
 - (c) appointing an auditor;*
 - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
 - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
 - (f) borrowing money on behalf of the local government;*
 - (g) hearing or determining an objection of a kind referred to in section 9.5;*
-

- (ha) *the power under section 9.49A (4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Local Government Allowance increase detailed in CP01 Annual Fees, Allowances and Expenses for Councillors are accounted for in the Budget.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Strategic Community Plan 2018 -2037		
OBJECTIVE 1	Long Term Viability	
Sub Objective	Good Corporate Governance	
This report is required by legislation to ensure that the Council has the opportunity to review its current policies and the delegations it has provided to the Chief Executive Officer thus maintaining the relevance of the documents.		
Corporate Business Plan 2018 – 2037		
Strategies	Actions	Responsible Officer
1.1.2	Ensure Council Policies are relevant and reviewed by Council	CEO
1.1.3	Review the relevance of the delegations from the Council and report findings to Council	CEO
These actions ensure that an officer within the organisation, in this case the CEO, has a direct responsibility to review the current Council Policies and Instrument of Delegation and report the review findings to Council.		

COMMENT

The MRC is to keep a register of the delegations made and review the delegations at least once every financial year.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Endorses the changes to Council Policies as contained in Appendix 6 and 7 of this report.**
- 2. Endorses the delegations made to the Chief Executive Officer as detailed in Attachment 1 of this report.**
(absolute majority required)

Moved Cr Proud, Seconded Cr Cvitan

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)

Attachment 1. Mindarie Regional Council – Delegations of Authority Register				
1. GOVERNANCE				
No.	Reference	Delegation	Condition(s)	Assignee(s)?
1.1	LG Act 1995 s.9.10	Appoint persons or classes of persons to be authorised for the purpose of performing a particular function.	Each authorised person to be issued with a certificate of authorisation.	No
1.2	LG Act 1995 s.5.42	Appoint an employee of the MRC to the position of Acting CEO where the CEO is unable or expected to be unable by reason of illness, temporary absence from WA, or any other reason, to perform the function of the position.	Not exceeding 3 months in any period of 12 months	No
1. FINANCE				
2.1	LG (Functions and General) Regulations 1996 Reg. 11A	Approve requisitions and purchase orders for the supply of goods and services	Requisitions and purchase orders to be within the budget allocation as reviewed from time to time	Yes
2.2	LG (Finance Management Regulations) 1996 Reg. 8	Open and close bank accounts, access accounts electronically and transfer funds electronically	Separate accounts are to be held for municipal funds, trust funds and reserve accounts	Yes
2.3	LG (Financial Management Regulations) 1996. Reg. 11, 12 and 13.	Approved and make payment of accounts	<ol style="list-style-type: none"> 1. In accordance with approved procedure set out in Reg. 11; 2. Where funds have been provided in the budget and the accounts are acquitted prior to payment; 3. List of accounts paid to be reported to Council as required by Reg. 13 	Yes
2.4	LG (Financial Management Regulations) 1996. Reg. 34 (1) (a)	Prepare monthly financial reports	In accordance with Reg. 34	Yes
2.5	LG Act s.6.14	Invest funds surplus to the immediate needs of the Council	Subject to the internal control procedures set out in Reg.19	Yes
2.6	LG Act s.6.12	Waive fees and write off debts	<ol style="list-style-type: none"> 1. Not exceeding a total of \$10,000 for any one debtor and any financial year; 2. Ensure all reasonable effort has been made to recover the debt; 3. Where fee or debts have been waived, or concessions granted, they are to be reported in the mid-year review. 	No
2.7	LG Act s.3.57	Seek Expressions of Interest and/or call tenders for goods or services	For items listed on the budget and subsequently approved for proceeding by Council	Yes

2.8	LG (Functions and General) Reg. 14 (2a) and 20	Vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser.	1. Variations approved for significant contracts, including all contracts awarded following public tenders, to be reported to the next following Council meeting.	No
2.9	LG Act s.3.58 (5) and LG Functions and General) Reg. 30(3)	Dispose, which includes writing off, of property (assets)	1. The value of the property (assets) is less than \$20,000. 2. Ensure all reasonable effort has been made to secure current market prices for the item or material.	No

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 71

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 71 be received.

Moved Cr May, Seconded Cr Proud

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Nil

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requests the Council to meet “behind closed doors” to allow the Council to consider items 14.1, 14.2, 14.3 and 14.4 as the items are of a confidential nature.

No members of the public were present in the gallery.

Moved Cr Vernon, Seconded Cr Proud

Procedural Motion

1. Closes the meeting to the members of the public at 7.10pm to consider items 14.1, 14.2, 14.3 and 14.4 in accordance with Section 5.23 of the *Local Government Act 1995*.
2. Permits the MRC Chief Executive Officer, MRC staff, Member Council CEOs and Officers, to remain in the chamber during discussion for item 14.1 AND 14.2 only.
3. Permits the MRC Chief Executive Officer, MRC Staff to remain in the chamber during discussion for Item 14.3.
4. Permits the MRC Human Resource Officer and the meeting secretary to remain in the chamber during discussion for item 14.4

(CARRIED UNANIMOUSLY 11/0)

Doors closed at 7.10 pm

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

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (c) of *The Local Government Act 1995* as the report deals with a matter where a contract may be entered into

14.1 NEERABUP RESOURCE RECOVERY FACILITY

File No:	GF-21-0000407
Attachment(s):	RRF EOI RESPONSES
Date:	27 September 2022
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICERS RECOMMENDATION

That Council:

1. Endorses the publication of a tender for the provision of FOGO processing services for member councils.
2. Requests the CEO to bring back to council a report, detailing the outcome of the tender and recommendations regarding an award.
3. Approves an increase in the 2022/23 budget for the costs specified in the Financial Implications section of the report.
4. Endorses the recommendation to insure the Neerabup Resource Recovery Facility, as detailed in the Confidential Report.

Moved Cr Vernon, Seconded Cr May

Moved Cr Vernon, Seconded Cr Jacob

That Council, suspends the operation of Clause 7.9 (Speaking Twice) of the Mindarie Regional Council Meeting Procedures Local Law 2020, for the duration of item 14.1.
(CARRIED UNANIMOUSLY 11/0)

At 8.44 pm

Moved Cr Jacob, Seconded Cr Vernon

To allow a short adjournment
(CARRIED UNANIMOUSLY 11/0)

At 9.00 pm Councillors returned to their seats and the meeting resumed

**Moved Cr Castle, seconded Cr Vernon
AMENDMENT**

To remove the words “member councils” from point 1.

REASONS:

Not to constrain the tender process unduly by removing any unnecessary restrictions from the use of the RRF as a FOGO facility, and for other third parties such as other councils or commercial operators to make use of the RRF should there be capacity.

(CARRIED UNANIMOUSLY 11/0)

SUBSTANTIVE RECOMMENDATION, AS AMENDED

That Council:

1. Endorses the publication of a tender for the provision of FOGO processing services.
2. Requests the CEO to bring back to council a report, detailing the outcome of the tender and recommendations regarding an award.
3. Approves an increase in the 2022/23 budget for the costs specified in the Financial Implications section of the report.
4. Endorses the recommendation to insure the Neerabup Resource Recovery Facility, as detailed in the Confidential Report.

(CARRIED 10/1)

For: *Crs Castle, Cvitan, Ferrante, Hatton, Jacob, May, Miles, Proud, Shannon, Vernon*

Against: *Cr Gobbert*

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (c) of <i>The Local Government Act 1995</i> as the report deals with a matter where a contract has been entered into	
14.2	UPDATE TO TENDER TO AUCTION LANDFILL CAPACITY FINANCIAL YEAR 2022-23
File No:	GF-22-00000239
Attachment(s):	Nil
Date:	16 September 2022
Responsible Officer:	Operations Manager

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Note the advice contained in the report.
2. Requests the CEO to make a notation on the minutes of the Ordinary Council meeting of 7 July 2022 at item 16.1 referencing the minutes of the Ordinary Council meeting of 29 September 2022.

Moved Cr Vernon, Seconded Cr May

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)

Prior to the next item, Member Council Officers seated in the gallery, exited the gallery at 9.07 pm.

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (f)(ii) of <i>The Local Government Act 1995</i> as the report deals with a matter that if disclosed , could be reasonably expected to endanger the security of the local governments property.	
14.3	AUDIT & RISK COMMITTEE CONFIDENTIAL DOCUMENTS
File No:	GF-22-0000070
Attachment(s):	Attachment 1 – Full Risk Review Attachment 1a – Risk Assessment and Acceptance Criteria v3
Date:	16 September 2022
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Note the Full Risk Register
2. Note the Risk Assessment and Acceptance Criteria v3
3. Note the Risk Appetite Statement and Risk Management Plan
4. Note the Business Continuity – Information Technology

Moved Cr Vernon, Seconded Cr Miles

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)

Prior to the next item, the MRC CEO and Staff (Mr Cairns, Ms Arapovic and Mr Twine) left the Chambers at 9.08 pm.

The MRC HR Manager and Meeting Secretary remained in the Chamber.

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (a) of <i>The Local Government Act 1995</i> as the report deals with a matter affecting an employee	
14.4	CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE – CONSIDERATION OF COMMITTEE'S RECOMMENDATIONS
File No:	GF-22-0000115
Attachment(s):	Attachment 1. MRC CEO Performance Review Report 2021/2022 Attachment 2. CEO draft KPI's for 2022/2023 Attachment 3. Committee Recommendation Attachment 4. Committee Recommendation Attachment 4A. Letter to the Chair – CEO Contract of Extension 02/08/2022 Attachment 5. CEO Contract of Employment
Date:	16 September 2022
Responsible Officer:	Human Resources Officer

CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE RECOMMENDATION:

That Council:

1. Notes that the appraisal of Scott Cairns, Chief Executive Officer, has been undertaken for the period 20 September 2021 to 30 June 2022.
2. Endorses the findings of the MRC CEO Performance Review Report 2021/22 as per confidential attachment 1.
3. Reviews the CEO's Total Remuneration Package for 2022/23 and endorses the adjustment to the CEO's total reward package as specified in Confidential Attachment 3
4. Approves the 2022/23 CEO Key Performance Indicators as per the amendments to confidential attachment 2 to this report.
5. Endorses the adjustment to the CEO's contract detailed in confidential attachment 4.

Moved Cr Vernon, Seconded Cr Hatton

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)

MOVED Cr Vernon, Seconded Cr Jacob

Procedural Motion

That Council

Reopens the meeting to members of the public at 9.18 pm

To re-open the meeting to the public
(CARRIED 11/0)

The meeting reopened at 9.18 pm.

Member Council Officers re-entered the gallery.

There were no members of the public present, the Chair noted the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting will be held on Thursday 24 November 2022 at the Town of Victoria Park commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 9.18 pm and thanked the City of Vincent for their hospitality and use of their meeting facilities.

SignedChair

Datedday of2022
