



MINUTES

ORDINARY COUNCIL MEETING

TIME: 5.30PM

THURSDAY 22 APRIL 2010

VENUE – CITY OF WANNEROO

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

9 April 2010

Councillors of the Mindarie Regional Local Government are respectfully advised that an Ordinary Meeting of the Council will be held in the Council Chambers of the City of Wanneroo, 23 Dundobar Road, Wanneroo, at 5.30pm on Thursday 22 April 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 ORDINARY COUNCIL MEETING OF THE MINDARIE REGIONAL COUNCIL HELD IN THE COUNCIL CHAMBERS OF THE CITY OF WANNEROO, 23 DUNDEBAR ROAD, WANNEROO, WESTERN AUSTRALIA ON THURSDAY 22 APRIL 2010 COMMENCING AT 5.30PM.

PRESENT: Chairman

Cr J Bissett
Cr D Boothman
Cr R Butler
Cr S Cooke
Cr S Farrell
Cr R Fishwick
Cr L Gray JP
Cr K Hollywood
Cr D Newton JP
Cr J Robbins
Cr B Stewart
Cr S Withers

APOLOGIES:

Cr C MacRae

ABSENT:

Nil

IN ATTENDANCE:

Mindarie Regional Council Officers

K F Poynton
K Dhillon
C Gibson
L Nyssen
M Tolson
I Watkins

Chief Executive Officer

Member Council Officers

E Albrecht
J Buckley
K Caple
C Colyer
G Eves
D Forster
J Giorgi
M Glover
E Herne
P Hoar
T Holland
G Hunt
A Kyron
R Lotznicker
J Paton
G Reddin
D Simms
S Spinks
A Vuleta

Consultants

A Annand
J Bryant
R Michetti
J Woodhouse

VISITORS:	Nil
MEDIA:	Amy Wilson-Chapman
OTHER PUBLIC:	2

Confirmed by resolution of the Council on 1 July 2010.

.....Chairman

MINUTES
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1 OATHS/AFFIRMATIONS OF ALLEGIANCE AND DECLARATIONS OF OFFICE

Cr Withers completed Form 7 Declaration by Elected Member of Council.

2 QUESTION TIME

Nil

3 ATTENDANCE AND APOLOGIES

Refer Page 3

4 MINUTES

4.1 ORDINARY COUNCIL MEETING – 25 FEBRUARY 2010

MOTION: (Moved: Cr Butler Seconded: Cr Newton)

The Minutes of the Ordinary Council Meeting held on 25 February 2010 have been printed and circulated to members of the Council.

COUNCIL RECOMMENDATION

That the Minutes of the Ordinary Council Meeting of Council held on 25 February 2010 be taken as read, confirmed and the Chairman invited to sign same as a true record of the proceedings.

(Carried: 12/0)

5 ANNOUNCEMENTS

The Chairman welcomed guests.

6 DEPUTATIONS

Nil

7 BUSINESS FROM A PREVIOUS MEETING TREATED AS AN ORDER OF THE DAY

Nil

8 REPORTS

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).*

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- (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.*

8.1 CHIEF EXECUTIVE OFFICER

8.1.1

File No: FIN/92

SUBJECT: REVIEW OF MEMBERS FEE MODEL

Closure of meeting to the Public.

MOTION: (Moved: Cr Bissett Seconded: Cr Gray)

That Council:

- (i) **close the meeting to the public in accordance with Local Government Act 1997 Section 5.23 (2)(d)**
- (ii) **determine that only MRC Officers and Council's legal advisor remain at the meeting in accordance with Standing Orders 3.14(3)**

(Carried: 8/4)

Against: Cr Boothman, Cr Cooke, Cr Robbins, Cr Stewart

Mr Woodhouse explained to Council the reasons for Closure of meeting to public.

Suspension of Standing Orders.

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

That Council suspend the meeting so as to allow general discussion on all matters associated with Item 8.1.1 in accordance with Standing Orders 18.1

(Carried: 12/0)

Numbered copies of two sets of legal advice were handed to Councillors, who then read the documents.

Mr Woodhouse provided some amplification on the content and dealt with questions.

Resumption of Standing Orders.

MOTION: (Moved: Cr Butler Seconded Cr Hollywood)

That Standing Orders be resumed.

(Carried: 12/0)

Meeting open to the Public.

MOTION: (Moved: Cr Boothman Seconded Cr Farrell)

That the meeting now be open to the public.

(Carried: 12/0)

Adjournment of meeting.

MOTION: (Moved: Cr Bissett Seconded: Cr Butler)

That in accordance with Standing Orders 16.1 the meeting be adjourned for 15 minutes (6.45pm).

(Carried: 12/0)

Re-commencement of meeting.

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

That in accordance with Standing Orders 16.1 the meeting be re-commenced. (6.45pm)

(Carried: 12/0)

MRC OFFICER RECOMMENDATION

Alternative Recommendation One

That Council:

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

Alternative Recommendation Two

That Council:

- (i) note the information in this Item in relation to a review of the MRC member fee model**
- (ii) retain the processable / non processable model for member fees**
- (iii) authorise a review of the Council's financial precepts as a matter of priority**
- (iv) authorise conduct of further work to establish a revised member fee model suitable to all member Councils**

Alternative Recommendation Three

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 presented to the Council budget workshop to enable Council to consider a possible “phase in” of the single fee model

The Chairman invited a Mover and Seconder for one of the Alternative Recommendations.

MOTION: (Moved: Cr Gray Seconded: Cr Withers)

Alternative Recommendation Three

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 presented to the Council budget workshop to enable Council to consider a possible “phase in” of the single fee model

Cr Gray stated that the ‘Single Fee’ model should be supported by Councillors because it was more equitable than the ‘Multi Fee’ model.

Cr Withers reserved his right to speak.

PROCEDURAL MOTION

That in accordance with Standing Orders 11.1(a), Council proceed to the next business.

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

(Lost: 8/4)

Against: Cr Boothman, Cr Cooke, Cr Robbins Cr Stewart

Cr Boothman spoke against the motion, and addressed Council with key points as follows:

- The RRF would not have proceeded without City of Stirling approval to the financial guarantee
- This approval was based on a premise that the ‘Multi Fee’ model would remain in place
- Introduction of an alternative fee model i.e. Single Fee, without agreement by all Councils was unfair

Cr Newton spoke in favour of the motion.

Cr Bissett spoke in favour of the motion.

Cr Cooke spoke against the motion, with key points as follows:

- That the alternative to the 'multi fee' model without agreement of all was unethical
- That no new evidence existed to support any alteration
- That the adoption of 'Single Fee' model was cost shifting from others to City of Stirling
- That the Council's financial advisers, in their presentation to the workshop on 31 March 2010, had broadly supported the 'Multi Fee' model

Amendment to Wording of the Motion

The Mover, with the consent of the Seconder, altered the wording of the motion, in accordance with Standing Orders s10.9, as follows:

- Existing (iii) : delete
- New (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

Cr Cooke and Cr Boothman raised Point of Order.

The Chairman disagreed with the Point of Order.

Suspension of Standing Orders.

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

That in accordance with Standing Orders 18.1 the meeting be suspended so as to allow general discussion on all matters associated with Item 8.1.1

(Carried: 12/0)

Cr Withers spoke in support of the motions.

Cr Stewart foreshadowed a procedural motion to proceed to the next business.

The Chairman advised that this would be dealt with, if relevant, upon conclusion of business against the current motion.

Cr Robbins spoke against the motion, on the basis of the 'Single Fee' model representing cost shifting to City of Stirling.

The CEO, in response to a question from Cr Farrell, advised that his recollection was that no request had ever been received from City of Stirling to confirm that the current fees model was 'approved in perpetuity'.

Cr Butler spoke for the motion, indicating that, in his view, the 'Single Fee' model was an improved business system.

Resumption of Standing Orders.

MOTION: (Moved: Cr Newton Seconded: Cr Withers)

That Standing Orders be resumed.

(Carried: 12/0)

The CEO read the motion, with amended wording as per Standing Orders s10.9, 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

Cr Stewart foreshadowed the Motion.

Cr Gray closed the debate.

The Chairman put the motion, with amended wording as per Standing Orders s10.9, as follows:

COUNCIL RECOMMENDATION

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**

(Carried: 8/4)

Against: Cr Boothman, Cr Cooke, Cr Robbins, Cr Stewart

8.1.2

File No: FIN/5-02

**SUBJECT: FINANCIAL STATEMENTS FOR THE PERIODS ENDED
31 JANUARY 2010 AND 28 FEBRUARY 2010**

MOTION: (Moved: Cr Stewart Seconded: Cr Hollywood)

MRC OFFICER RECOMMENDATION

That the Financial Statements as attached at Attachment One and Two for the months ended 31 January 2010 and 28 February 2010 be noted.

The CEO, in response to questions, advised as follows:

- That market testing via a recruitment exercise, for three positions – Project, Manager, Marketing Manager, Environmental Officer – was in progress
- That approval to expenditure occurs via
 - approval to annual budget (Council)
 - use of delegated authority to implement the Budget (CEO)
 - approval to contracts as a result of Tender tasks (Council)

COUNCIL RECOMMENDATION

That the Financial Statements as attached at Attachment One and Two for the months ended 31 January 2010 and 28 February 2010 be noted.

(Carried: 12/0)

8.1.3

File No: FIN/5-02

**SUBJECT: LIST OF PAYMENTS MADE FOR THE MONTHS ENDED
31 JANUARY 2010 AND 28 FEBRUARY 2010**

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

MRC OFFICER RECOMMENDATION

That Council endorse the list of payments made, as per the delegation made to the Chief Executive Officer, for the months ended 31 January 2010 and 28 February 2010.

Nil discussion.

COUNCIL RECOMMENDATION

That Council endorse the list of payments made, as per the delegation made to the Chief Executive Officer, for the months ended 31 January 2010 and 28 February 2010.

(Carried: 12/0)

8.2 TECHNICAL WORKING GROUP – 1 APRIL 2010

8.2.1 Tech Com. Item 1 File No: COR/8

SUBJECT: BUSINESS REPORT (for the period 26 January 2010 – 25 March 2010)

MOTION: (Moved: Cr Butler Seconded: Cr Gray)

TWG OFFICERS RECOMMENDATION

That Council receive this progress report for the period 25 January 2010 – 25 March 2010 against Annual Business Plan 2009/2010.

The CEO was requested by Council to undertake the following tasks:

- provision of reports on Groundwater Management and 'Son of Tamala' landfill for Ordinary Council Meeting 1 July 2010
- co-ordination of Apple e-waste collection with member Councils

AMENDMENT TO MOTION

That Council:

- (ii) authorise the CEO to provide a report on 'Son of Tamala' landfill for Ordinary Council Meeting 1 July 2010

MOTION: (Moved: Cr Hollywood Seconded: Cr Gray)

(Carried: 12/0)

AMENDED MOTION

The amended motion was put to the vote.

COUNCIL RECOMMENDATION

That Council:

- (i) receive this progress report for the period 25 January 2010 – 25 March 2010 against Annual Business Plan 2009/2010
- (ii) authorise the CEO to provide a report on 'Son of Tamala' landfill for Ordinary Council Meeting 1 July 2010

(Carried: 12/0)

8.2.2 Tech Com. Item 2 File No: WST/13-02

**SUBJECT: RESOURCE RECOVERY FACILITY UPDATE REPORT
(for the period 5 February 2010 – 25 March 2010)**

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

TWG OFFICERS RECOMMENDATION

That Council:

- (i) Note the RRF update report
 - (ii) Endorsed the revised CEAG Terms of Reference (at Attachment 1 to this Item)
 - (iii) Endorse the CPA Reviewed Report (at Attachment 2 to this Item)
-

The CEO, in response to questions, advised as follows:

- That ongoing communication was occurring with SITA on the matter of waste diversion targets
- That some minor wording changes to the CEAG Terms of Reference e.g. delete SWTF WG would be made

COUNCIL RECOMMENDATION

That Council:

- Note the RRF update report**
- Endorse the revised CEAG Terms of Reference (at Attachment 1 to this Item)**
- Endorse the CPA Reviewed Report (at Attachment 2 to this Item)**

(Carried: 12/0)

8.2.3 Tech Com. Item 3

File No: WST/100

SUBJECT: LANDFILL UPDATE REPORT (for the period 15 October 2009 - 25 March 2010)

MOTION: (Moved: Cr Robbins Seconded: Cr Newton)

TWG OFFICERS RECOMMENDATION

That Council:

- receive this Landfill Update Report dated 22 April 2010**
- authorises the CEO to write to the seven Member Councils requesting a change to the Tamala Park Lease conditions associated with the northern buffer pull back arrangements**

Nil discussion.

COUNCIL RECOMMENDATION

That Council:

- receive this Landfill Update Report dated 22 April 2010**
- authorises the CEO to write to the seven Member Councils requesting a change to the Tamala Park Lease conditions associated with the northern buffer pull back arrangements**

(Carried: 12/0)

8.2.4 Tech Com. Item 4

File No: EST/2-02

SUBJECT: LANDFILL GAS CONTRACT REPORT

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

TWG OFFICERS RECOMMENDATION

That Council:

- (i) receive this Landfill Gas Contract Report dated 22 April 2010**
- (ii) authorises the CEO to tender for the establishment of a new Landfill Gas Contract to cover the period from the end of the existing contractual arrangements (1 July 2011) through to the end of the current Tamala Park Lease (30 June 2032)**

The CEO, briefed Council on the 'key drivers' for the preferred course of action i.e. a competitive exercise, as distinct to a short term negotiated arrangement with the current provider (LFGP).

These drivers were described as market uncertainty as a result of the proposed ETS, and the length of any proposed agreement i.e. 2011 – 2032.

COUNCIL RECOMMENDATION

That Council:

- (i) receive this Landfill Gas Contract Report dated 22 April 2010**
- (ii) authorises the CEO to tender for the establishment of a new Landfill Gas Contract to cover the period from the end of the existing contractual arrangements (1 July 2011) through to the end of the current Tamala Park Lease (30 June 2032)**

(Carried: 12/0)

8.2.5 Tech Com. Item 5 File No: COR/8

SUBJECT: BUSINESS PLANNING 2010/2011

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

TWG OFFICERS RECOMMENDATION

That Council:

- (i) note the methodology used for the Budget Planning and Strategic Budget for 2010/2011**
- (ii) note the new initiatives**
- (iii) note Members' Processable Gate Fee of \$134 (ex GST) and Non Processable Fees of \$86 (ex GST) for financial year 2010/2011 for budget planning purposes**
- (iv) approve the Schedule of Fees and Charges relating to commercial and casual users, at Attachment One in respect of financial year 2010/2011**

The CEO advised of the plan to conduct Budget discussions as follows:

- Councillors : Workshop (13 May 2010)
 - Officers : Strategic Planning Committee (14 May 2010)
-

Cr Robbins suggested further consideration, as part of Council's communication strategy, to TV promotion of selected messages.

AMENDMENT TO THE MOTION

(That Council)

(iii) : delete existing

(iii) : insert – note members' Single Fee of \$113 - \$119 (ex GST) for financial year 2010/2011 for budget planning purposes

MOTION: (Moved: Cr Bissett Seconded: Cr Gray)

(Carried: 8/4)

Against: Cr Boothman, Cr Cooke, Cr Robbins, Cr Stewart

Amended Motion was put to the vote in parts.

COUNCIL RECOMMENDATION

That Council:

- (i) note the methodology used for the Budget Planning and Strategic Budget for 2010/2011**

(Carried: 12/0)

- (ii) note the new initiatives**

(Carried: 12/0)

- (iii) note Members' Single Gate Fee of \$113 - \$119 (ex GST) for financial year 2010/2011 for budget planning purposes**

(Carried: 8/4)

Against: Cr Boothman, Cr Cooke, Cr Robbins, Cr Stewart

- (iv) approve the Schedule of Fees and Charges relating to commercial and casual users, at Attachment One in respect of financial year 2010/2011**

(Carried: 11/1) (Cr Boothman)

8.2.6 Tech Com. Item 6

File No: COR/33

**SUBJECT: ENVIRO 2010 CONFERENCE AND EXHIBITION –
SOLUTIONS FOR A SUSTAINABLE FUTURE**

MOTION: (Moved: Cr Butler Seconded: Cr Farrell)

TWG OFFICERS RECOMMENDATION

That Council authorise attendance of the following representatives at the Enviro 2010 Conference and Exhibition to be held in Melbourne from 21 – 23 July 2010.

- | | |
|-----------------|------------------|
| 1. Cr Fishwick | 10. K Poynton |
| 2. Cr Hollywood | 11. J Giorgi |
| 3. Cr Farrell | 12. P Hoar |
| 4. Cr Butler | 13. K Caple |
| 5. Cr Boothman | 14. D Forster |
| 6. Cr Cooke | 15. E Albrecht |
| 7. Cr Robbins | 16. C Colyer |
| 8. Cr Stewart | 17. R Lotznicker |
| 9. Cr Bissett | |

Council noted the deletion of Mr Giorgi as an attendee.

Cr Newton and Cr Gray registered concern on numbers of attendees.

COUNCIL RECOMMENDATION

That Council authorise attendance of the following representatives at the Enviro 2010 Conference and Exhibition to be held in Melbourne from 21 – 23 July 2010.

- | | |
|-----------------|------------------|
| 1. Cr Fishwick | 10. K Poynton |
| 2. Cr Hollywood | 11. P Hoar |
| 3. Cr Farrell | 12. K Caple |
| 4. Cr Butler | 13. D Forster |
| 5. Cr Boothman | 14. E Albrecht |
| 6. Cr Cooke | 15. C Colyer |
| 7. Cr Robbins | 16. R Lotznicker |
| 8. Cr Stewart | |
| 9. Cr Bissett | |

(Carried: 10/2)

Against: Cr Gray, Cr Newton,

8.2.7 Tech Com. Item 7 File No: COR/23

**SUBJECT: MINDARIE REGIONAL COUNCIL – POLICY DOCUMENTATION –
 REVIEW OF EXISTING POLICIES**

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

TWG OFFICERS RECOMMENDATION

That Council approve revised policies as follows:

- (i) 4A Conference and Training**
- (ii) 12B Occupational Safety and Health**
- (iii) 14B Contingency Management**
- (iv) 16B Smoking in the Workplace**

The Mover and Seconder agreed an amendment to policy 14B as follows:

- Delete 'influenza' from influenza pandemic'

AMENDMENT TO MOTION

That Council approve revised policies as follows:

- (i) delete : 4A Conference and Training
- (i) insert : 4A Conference and Training, as amended to use Economy air travel, rather than Business air travel

MOTION: (Moved: Cr Gray SeconDED: Cr Cooke)

(Carried: 9/3)

Against: Cr Butler, Cr Robbins, Cr Hollywood

Amended Motion was put to the vote.

COUNCIL RECOMMENDATION

That Council approve revised policies as follows:

- (i) 4A Conference and Training, as amended to use Economy air travel, rather than Business air travel**
- (ii) 12B Occupational Safety and Health**
- (iii) 14B Contingency Management**
- (iv) 16B Smoking in the Workplace**

(Carried: 11/1)

Against: Cr Butler

8.2.8 Tech Com. Item 8 File No: COP/12

SUBJECT: TAMALA PARK WEIGHBRIDGE BUILDING RECONSTRUCTION

MOTION: (Moved: Cr Newton SeconDED: Cr Robbins)

TWG OFFICERS RECOMMENDATION

That Council:

- (i) accept the tender offered by the Connolly Building Company of \$111,347.00 including a \$11,000 contingency sum for renovation works to the weighbridge at Tamala Park**
- (ii) note that part cost of \$105,175 will be provided by Local Government Insurance Service**
- (iii) approve an additional expenditure of \$6,172.00 for construction of two height restrictors**

The CEO undertook to ensure that all tables and charts were promulgated in 'user friendly' fonts.

COUNCIL RECOMMENDATION

That Council:

- (i) accept the tender offered by the Connolly Building Company of \$111,347.00 including a \$11,000 contingency sum for renovation works to the weighbridge at Tamala Park**
- (ii) note that part cost of \$105,175 will be provided by Local Government Insurance Service**
- (iii) approve an additional expenditure of \$6,172.00 for construction of two height restrictors**

(Carried: 12/0)

8.3 AUDIT COMMITTEE MEETING – 7 APRIL 2010

8.3.1

File No: COR/22

SUBJECT: AUDIT COMMITTEE MEETING – 7 APRIL 2010

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

AUDIT COMMITTEE RECOMMENDATIONS

That Council approve the following recommendations from the Audit Committee Meeting (7 April 2010):

- (i) the approval of the Annual Compliance Audit Return and authorise the Chairperson and the Chief Executive Officer to sign the Return**
 - (ii) approve the following list of Auditors to provide a quotation for the provision of external audit services for the next 2 or 3 years under a Quotation Process:**
 - WHK Horwath**
 - Grant Thornton**
 - Macri Partners**
 - Haines Norton**
-

-
- (iii) approve the further extension of External Member of the Audit Committee, Alex Dermedgoglou, for a further three years
 - (iv) note that Audit Committee approved the CEO's credit card usage and expenditure as appropriate

Nil discussion.

COUNCIL RECOMMENDATIONS

That Council approve the following recommendations from the Audit Committee Meeting (7 April 2010):

- (i) the approval of the Annual Compliance Audit Return and authorise the Chairperson and the Chief Executive Officer to sign the Return
- (ii) approve the following list of Auditors to provide a quotation for the provision of external audit services for the next 2 or 3 years under a Quotation Process:
 - WHK Horwath
 - Grant Thornton
 - Macri Partners
 - Haines Norton
- (iii) approve the further extension of External Member of the Audit Committee, Alex Dermedgoglou, for a further three years
- (iv) note that Audit Committee approved the CEO's credit card usage and expenditure as appropriate

(Carried: 12/0)

9 NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING
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Nil

10 GENERAL BUSINESS - SEE NOTE (1)

Nil

11 NEXT MEETING

11.1 Ordinary Council Meeting

- 1 July 2010
- 5.30 pm
- City of Stirling

12 CLOSURE - MEETING DECLARED CLOSED AT 8.00PM

Notes

- (1) Under this item, members have the opportunity to:
 - (2) make a statement providing information related to the Council's business;
 - (3) to ask a question relevant to the Council's business.
 - (4) Under this item a member shall not raise any matter directly related to any other item on the agenda and shall not foreshadow any motion for consideration at another meeting.
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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
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4	ANNOUNCEMENTS	N/A	P6
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7	REPORTS <i>(Declaration of Financial/Conflict of Interest to be recorded prior to dealing with each item)</i>	N/A	P6
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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.*
-

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’.

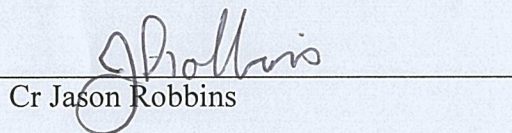
Signed



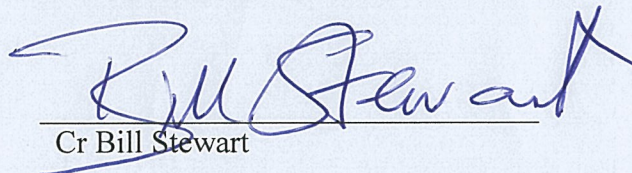
Cr David Boothman



Cr Sharon Cooke



Cr Jason Robbins



Cr Bill Stewart

Dated: 22 April 2010