



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

26 MAY 2022

ELECTRONIC MEETING BY ZOOM

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



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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair welcomed Council Members, MRC staff, Member Council officers and visitors to the meeting which was conducted by electronic means in accordance with the *Local Government (Administrations) Regulations 1996*.

The Chair declared the meeting open at 6.32 pm.

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr F Cvitan, JP (Deputy Chair)	City of Wanneroo
Cr A Jacob, JP	City of Joondalup
Cr C May	City of Joondalup
Cr L Gobbert, JP (<i>connected 7.22 pm</i>)	City of Perth
Cr C Hatton	City of Stirling
Cr E Re	City of Stirling
Cr K Sargent	City of Stirling
Cr L Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr P Miles (<i>connected 6.44 pm</i>)	City of Wanneroo
Cr K Shannon (<i>connected 6.34 pm</i>)	Town of Cambridge

MRC Officers

Mr S Cairns (Chief Executive Officer)
Mr B Twine (Manager Operations)
Mr A Griffiths (Manager Projects and Procurement)
Ms S Cherico (Human Resources Officer)
Ms D Toward (Executive Support)

Apologies

Ms A Slater (Director Corporate Services)

Member Council Observers

Mr N Claassen	City of Joondalup
Mr M MacPherson	City of Joondalup
Mr P Kellick	City of Stirling
Mr R Bryant	City of Stirling
Mr A Murphy	City of Vincent
Ms Y Plimbley	City of Vincent
Mr H Singh	City of Wanneroo
Mr K Hincks	Town of Cambridge
Mr J Wong	Town of Victoria Park

Visitors:

Mr David Hugo Herbert Smith Freehills

3 DECLARATION OF INTERESTS

Name /Position	Mr Scott Cairns
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Financial Interest
Extent of Interest	Mr Cairns holds the position of Chief Executive Officer.

4 PUBLIC QUESTION TIME

Due to health-related concerns with COVID-19 the public gallery was closed and public questions were invited by email.
No public questions were received.

6.34 pm Cr Shannon connected to the meeting

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Chair invited all attendees to participate in a Budget Workshop following the Ordinary Council meeting.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Albert Jacob requested Leave of Absence from Council duties covering the period 04 July 2022 to 22 July 2022 inclusive.

Moved Cr Vernon, Seconded Cr Hatton

That Council approves the request for Leave of Absence from Council duties for Cr Jacob covering the period 04 July 2022 to 22 July 2022.

(CARRIED UNANIMOUSLY 10/0)

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 24 March 2022

The Minutes of the Ordinary Council Meeting held on 24 March 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 24 March 2022 be confirmed as a true record of the proceedings.

Moved Cr Cvitan, seconded Cr Hatton

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 10/0)

9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED 31 MARCH 2022 AND 30 APRIL 2022
Reference:	FIN/5-09
Appendix(s):	Appendix No. 1 Appendix No. 2 Appendix No. 3
Date:	15 MAY 2022
Responsible Officer:	DIRECTOR CORPORATE SERVICES

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 month ended 31 March 2022 and 30 April 2022 are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 10 months to 30 April 2022 is attached at **Appendix No. 3**.

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 30 April 2022

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	162,362	158,565	3,797
Tonnes – Others	27,792	26,346	1,446
TOTAL TONNES	190,154	184,911	5,243
	\$	\$	\$
Revenue – Members	27,402,577	26,380,294	1,022,283
Revenue – Other	9,270,998	8,071,031	1,199,967
TOTAL REVENUE	36,673,575	34,451,325	2,222,250
Expenses	36,479,034	35,635,040	(843,994)
Profit on sale of assets	9,846	12,308	(2,462)
Loss on sale of assets	15,879	-	(15,879)
Impairment of assets	-	-	-
NET SURPLUS/(DEFICIT)	188,509	(1,171,407)	1,359,916

Members

Members tonnages for the financial period ended 30 April 2022 were 3,797 tonnes in excess of budget.

RRF

The Resource Recovery Facility residue tonnes delivered 15,938 tonnes in total to Tamala Park year to date as they have now completed the empty, clean and make safe (ECMS) of the facility.

Trade & Casuals

The Casual and Trade tonnages are 1,446 tonnes higher than forecast for the financial year to date. 13,269 tonnes delivered through the discounted rate waste tender.

Overall tonnages for the financial period ended 30 April 2022 were 5,243 tonnes more than budgeted.

The net result variance against budget of \$1,359,916 is mainly attributable to increased tonnages above budgeted forecast.

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 March 2022 and 30 April 2022.

Cr Miles connected to the meeting at 6.44 pm

Moved Cr Sargent, seconded Cr Re

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 31 MARCH 2022 AND 30 APRIL 2022
File No:	FIN/5-09
Appendix(s):	Appendix No. 4 Appendix No. 5
Date:	15 May 2022
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified. 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 March 2022 and 30 April 2022 are at **Appendix 4 and 5** to this Item and are 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 March 2022	General Municipal	Cheques	\$3,329.31
		EFT	\$799,169.25
		DP	\$363,945.89
		Inter account transfers	\$14,019,520.96
		Total	\$15,185,965.41
30 April 2022	General Municipal	Cheques	\$540.00
		EFT	\$4,288,914.85
		DP	\$358,063.11
		Inter account transfers	\$3,000,000.00
		Total	\$7,647,517.96

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 March 2022 and 30 April 2022.

Moved Cr Cvitan, seconded Cr Castle

RESOLVED

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

9.3 AUDIT COMMITTEE REVISED TERMS OF REFERENCE	
File No:	GF-22-000070
Appendix(s):	Appendix No. 6 Appendix No. 7
Date:	13 MAY 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to review the Audit Committee Terms of Reference.

BACKGROUND

At an Ordinary Council Meeting held on 7 July 2005 the Audit Committee was established by Council under s7.1A of the Local Government Act 1995. On 27 October 2005 Council adopted the Terms of Reference for the operation of the Audit Committee. These terms of reference were subsequently revised by Council at an Ordinary Council Meeting held on 24 April 2014.

DETAIL

In line with Function 16 of the Local Government (Audit) Regulations 1996, the objective of the Audit and Risk committee is to:

- Support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management and external audit functions and ethical accountability.
- Critically examine the annual external audit and liaise with the Office of the Auditor General (OAG) so that Council can be satisfied with the performance of the local government in managing its financial affairs.
- Receive and review reports prepared by the Chief Executive Officer in accordance with the Regulations, and present a report to Council on its findings and recommendations.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the Council's affairs, determining the Council's policies and overseeing the allocation of the Council's finances and resources. The Committee will ensure openness in the Council's financial reporting and will liaise with the Chief Executive Officer (CEO) to ensure the effective and efficient management of the Council's financial accounting systems and compliance with legislation.

The Committee is to facilitate:

- the enhancement of the credibility and objectivity of external financial reporting;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
- the provision of an effective means of communication between the OAG, the CEO and the Council.

The main changes to the terms of reference which were proposed included;

- Change in name from Audit Committee to Audit and Risk Committee
- Removing the duties and responsibilities of recommending and adopting an external auditor, due to the fact that MRC audits are now conducted by the Office of the Auditor General (OAG).
- The inclusion of performing an annual review of the risk management framework and full risk register

The marked up version of the Terms of Reference can be found at Appendix 6 to this agenda and the clean copy at Appendix 7

CONSULTATION

The revised Terms of Reference were discussed at an Audit Committee Workshop held on 12 May 2022.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

These Terms of Reference have been prepared in accordance with the requirements of the Local Government Act 1995 and Local Government (Audit) Regulations 1996 and Local Government Operational Guidelines.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council

1. Endorse the change of the title of the current 'Audit Committee' to the 'Audit and Risk Committee'.
2. Adopts the revised Audit and Risk Committee Terms of Reference.

Moved Cr Vernon, seconded Cr Re

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 68

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 68 be received.

Moved Cr May, seconded Cr Sargent

RESOLVED

That the Members Information Bulletin No 68 be received.

(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

Moved Cr Vernon, seconded Cr Jacob

Procedural motion

That Council:

- 1. Closes the meeting to the members of the public at 6.52pm 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, and Mr David Hugo to remain in the chamber during discussion for item 14.1.**
- 3. Permits the MRC Chief Executive Officer, MRC Staff and Member Council CEOs and Officers to remain in the chamber during discussion for Item 14.2.**
- 4. Permits the MRC Human Resource Officer and the meeting secretary to remain in the chamber during discussion for item 14.3**
- 5. Permits the MRC Chief Executive Officer and MRC Staff to remain in the chamber during discussion for Item 14.4.**

(CARRIED UNANIMOUSLY 11/0)

6.52 pm doors closed.

The public gallery was closed and therefore no members of the public were present.

MRC officers, Member Council Officers and Mr David Hugo, Herbert Smiths Freehills, remained online observing the meeting for item 14.1.

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 maybe entered into.

14.1 TENDER FOR THE PROVISION OF WASTE TO ENERGY SERVICES

File No: GF-22-0000289

Appendix(s): Attachment 1 - Draft Request for Tender (RFT)
Attachment 2 - Draft Waste Supply Agreement (WSA)

Date: 10 May 2022

Responsible Officer: Chief Executive Officer

This report has not been released for public viewing.

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Authorise the CEO to advertise a tender for the provision of waste to energy services, and
2. The CEO bring back to council a report, detailing the outcome of the tender and recommendations regarding award.

Moved Cr Vernon, seconded Cr Hatton

7.22 pm Cr Gobbert connected to the meeting

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 12/0)

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.

14.2 TENDER FOR ONSITE SECURITY SERVICES

File No: GF-22-0000191

Appendix(s): Nil

Date: 12 May 2022

Responsible Officer: Operations Manager

This report has not been released for public viewing

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Award the tender supply onsite security services at the Resource Recovery Facility (Tender Number: 13/153) to MA Services Group Pty Ltd, and;**
- 2. Authorises the CEO to inform the unsuccessful tenderers of the decision.**

**Moved Cr Jacob, seconded Cr Cvitan
RESOLVED
That the recommendation be adopted
(CARRIED UNANIMOUSLY 12/0)**

7.39 pm Cr Miles left meeting

7.42 pm Cr May left meeting

7.43 pm MRC CEO and Staff, and Member Council Officers left the meeting.

The MRC Human Resource Officer and Executive Assistant remained on line connected to the meeting.

This Report is Confidential and dealt with in a Confidential Session, under Section 5.23 (2) (a) of the Local Government Act 1995 as the report deals with a matter affecting an employee.	
14.3	ENGAGEMENT OF CONSULTANT TO ASSIST IN THE ANNUAL REVIEW OF THE CEO'S PERFORMANCE
File No:	GF-22-0000115
Attachment(s):	Attachment 1. Contract Action Plan – CEO Contract of Employment
Date:	16 May 2022
Responsible Officer:	Human Resource Officer

This report has not been released for public viewing

That Council:

- 1. Appoints Learning Horizons as the external Human Resource Consultant, subject to their acceptance of the appointment, to conduct a review of the MRC's Chief Executive Officer performance, remuneration, and KPIs for the period 20 September 2021 to 1 July 2023.**
- 2. Notes the Contract Action Plan as contained in this report.**
- 3. Notes that the CEO probation period has passed and no further action is needed.**

Moved Cr Vernon, Seconded Cr Gobbert

7.48 pm Cr May returned to the meeting

Prior to any discussions on this item, Councillors made the following declarations of interest in accordance with the Local Government Act 1995 s.5.65(b).

Name /Position	Cr Karen Vernon
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Two of the Agencies are known to Cr Vernon

Name /Position	Cr Lisa Thornton
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the Agencies known to Cr Thornton

Name /Position	Cr Frank Cvitan
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the Agencies known to Cr Cvitan

Name /Position	Cr Alex Castle
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the Agencies known to Cr Castle

Name /Position	Cr Keith Sargent
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the Agencies is known to Cr Sargent

Name /Position	Cr Chris Hatton
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the Agencies is known to Cr Hatton

Name /Position	Cr Elizabeth Re
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the Agencies is known to Cr Re

Name /Position	Cr Keri Shannon
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Two of the Agencies are known to Cr Shannon

Name /Position	Cr Albert Jacob
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the Agencies is known to Cr Jacob

Name /Position	Cr Christopher May
Item No./Subject	14.3 Engagement of consultant to assist in the annual review of the CEO's performance
Nature of Interest	Interest that may affect impartiality
Extent of Interest	One of the Agencies is known to Cr Jacob

RESOLVED

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

7.57 pm CEO, Manager Operations and the Manager Projects and Procurement reconnected to the meeting

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (f)(ii) of *The Local Government Act 1995* as the report deals with a matter that if disclosed, could be reasonably expected to endanger the security of the local governments property.

14.4 AUDIT COMMITTEE CONFIDENTIAL DOCUMENTS	
File No:	GF-22-0000070
Attachment(s):	Attachment 1 – High Risk Register – Review 5 April 2022 Attachment 1a – High Risk Register – Review 5 April 2022 (Marked up version) Attachment 1b – Risk Tables Attachment 2 – Draft Risk Appetite Statement and Risk Management Plan
Date:	13 May 2022
Responsible Officer:	Chief Executive Officer

This report has not been released for public viewing

That Council:

- 1. Note the High Risk Register.**
- 2. Note the Risk Tables.**
- 3. Note the Draft Risk Appetite Statement and Risk Management Plan.**
- 4. Note the Audit Committee Recommendation to item 7.2 as detailed on page 8 of this report.**

**Moved Cr Vernon, seconded Cr Cvitan
RESOLVED**

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

**Moved Cr Vernon, seconded Cr Re
Procedural Motion**

That Council:

- 1. Reopens the meeting to members of the public at 7.59 pm.**
- 2. Invites Member Council CEOs and Officers to reconnect to the meeting.**

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

Doors re-opened at 7.59 pm, the Chair declared the meeting re-opened.

There were no members of the public present, Member Council Officers reconnected to the meeting.

The Chair noted the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting will be held on Thursday 07 July 2022 at the City of Stirling commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 8.00 pm and thanked Councillors for their participation.

These minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of Council held on 26 May 2022.

Signed.....Chair

Dated day of 2022
