



MINUTES

Special Meeting of Council

5 November 2015

SPECIAL MEETING OF COUNCIL

MINUTES

5 November 2015

(REF: D2015/11435)

A Special Meeting of Council was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 5 November 2015**. The meeting commenced at **6:15pm**.

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 6:15pm and congratulated all members on their appointment to the EMRC Council.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillor Attendance

| | | |
|--|--------------------|--------------------|
| Cr Michael Lewis | EMRC Member | Town of Bassendean |
| Cr Gerry Pule (Deputising for Cr Bridges) | EMRC Deputy Member | Town of Bassendean |
| Cr Terry Kenyon | EMRC Member | City of Bayswater |
| Cr Michelle Sutherland | EMRC Member | City of Bayswater |
| Cr Janet Powell | EMRC Member | City of Belmont |
| Cr Steve Wolff | EMRC Member | City of Belmont |
| Cr Dylan O'Connor | EMRC Member | Shire of Kalamunda |
| Cr Geoff Stallard | EMRC Member | Shire of Kalamunda |
| Cr John Daw | EMRC Member | Shire of Mundaring |
| Cr Bob Perks | EMRC Member | Shire of Mundaring |
| Cr David Färdig | EMRC Member | City of Swan |
| Cr David McDonnell | EMRC Member | City of Swan |

EMRC Council Deputies

| | | |
|-----------------------|--------------------|--------------------|
| Cr Catherine Ehrhardt | EMRC Deputy Member | City of Bayswater |
| Cr Phil Marks | EMRC Deputy Member | City of Belmont |
| Cr Lynn Fisher | EMRC Deputy Member | Shire of Mundaring |
| Cr John McNamara | EMRC Deputy Member | City of Swan |

Apologies

| | | |
|-----------------|-------------|--------------------|
| Cr Paul Bridges | EMRC Member | Town of Bassendean |
|-----------------|-------------|--------------------|

EMRC Officers

| | | |
|-------------------------|---|--|
| Mr Peter Schneider | Chief Executive Officer | |
| Mr Hua Jer Liew | Director Corporate Services | |
| Mr Stephen Fitzpatrick | Director Waste Services | |
| Mrs Wendy Harris | Acting Director Regional Services | |
| Ms Terri-Ann Ashton | Manager Administration and Compliance (Maternity Leave) | |
| Ms Theresa Eckstein | Executive Assistant to Chief Executive Officer | |
| Mrs Annie Hughes-d'Aeth | Personal Assistant to Director Corporate Services (Minutes) | |

EMRC Observers

| | | |
|------------------|----------------------------|--|
| Mr David Ameduri | Manager Financial Services | |
|------------------|----------------------------|--|

Observers

| | | |
|----------------------|-------------------------|--------------------|
| Ms Francesca Lefante | Chief Executive Officer | City of Bayswater |
| Mr Stuart Cole | Chief Executive Officer | City of Belmont |
| Ms Rhonda Hardy | Chief Executive Officer | Shire of Kalamunda |

3 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

Nil



4. ELECTION OF EMRC CHAIRMAN AND DEPUTY CHAIRMAN

4.1 ELECTION AND SWEARING IN OF EMRC CHAIRMAN

REFERENCE: D2015/11442

PURPOSE OF REPORT

To provide for an election to be conducted for the office of Chairman of the EMRC.

KEY ISSUES AND RECOMMENDATION(S)

- Clause 7.3(1) of the Establishment Agreement of the EMRC provides for the election of a Chairman at the first meeting of the EMRC Council following the day on which biennial ordinary elections to elect councillors to the participants are held. The Chairman elected is to hold office until the election of a new Chairman.

Recommendation(s)

That the members of the Council elect a Chairman by secret ballot.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

The Establishment Agreement of the EMRC provides for the election of a Chairman at the first meeting of the EMRC Council following the day on which biennial ordinary elections to elect councillors to the participants are held. The Chairman elected is to hold Office until the election of a new Chairman.

It is a requirement of Schedule 2.3 of the *Local Government Act 1995* that the election is conducted by the CEO and the nominations for the Office of Chairman are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member the CEO is not to accept the nomination unless the nominee has advised the CEO orally or in writing that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

REPORT

The CEO will preside at the meeting until the office of Chairman is filled.

The following material accompanies the agenda for this meeting as a means of assisting members of the Council to nominate themselves or another member for the Office of Chairman.

1. A blank nomination form for the Office of Chairman, nominate oneself
2. A blank nomination form for the Office of Chairman, nominate another
3. A blank ballot paper for Election of EMRC Chairman
4. A blank form for declaration by Elected Chairman

A list of the Members who have been appointed to the EMRC Council, (as available from member Councils at the time of preparing this report), is also included in this report.



Item 4.1 continued

The completed nomination forms are to be given to the CEO before or when the CEO calls for them when dealing with this item at the meeting.

Following election, the Chairman will make a declaration of office.

EMRC MEMBERS 2015/2017

The following Councillors have been appointed by member Councils to the EMRC

| | |
|------------------------|--------------------|
| Cr Paul Bridges | Town of Bassendean |
| Cr Michael Lewis | Town of Bassendean |
| Cr Terry Kenyon | City of Bayswater |
| Cr Michelle Sutherland | City of Bayswater |
| Cr Janet Powell | City of Belmont |
| Cr Steve Wolff | City of Belmont |
| Cr Dylan O'Connor | Shire of Kalamunda |
| Cr Geoff Stallard | Shire of Kalamunda |
| Cr John Daw | Shire of Mundaring |
| Cr Bob Perks | Shire of Mundaring |
| Cr David Färdig | City of Swan |
| Cr David McDonnell | City of Swan |

The following Councillors have been appointed to deputise for members appointed to the EMRC

| | |
|-----------------------|--------------------|
| Cr Gerry Pule | Town of Bassendean |
| Cr Catherine Ehrhardt | City of Bayswater |
| Cr Phil Marks | City of Belmont |
| Cr Andrew Waddell | Shire of Kalamunda |
| Cr Lynn Fisher | Shire of Mundaring |
| Cr John McNamara | City of Swan |

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 4 – Good Governance

- 4.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil



Item 4.1 continued

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|-----------------------|----------------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

1. A blank nomination form for the Office of Chairman, nominate oneself (Ref: D2015/11455)
2. A blank nomination form for the Office of Chairman, nominate another (Ref: D2015/11455)
3. A blank ballot paper for Election of EMRC Chairman (Ref: D2015/11451)
4. A blank form for declaration by Elected Chairman (Ref: D2015/11453)

VOTING REQUIREMENT

Secret Ballot (election of Chairman)

RECOMMENDATION(S)

That the members of the Council elect a Chairman by secret ballot.

The CEO advised that two (2) nominations for the Office of Chairman of the EMRC had been received, from Councillors Färdig and Powell and called for any further nominations.

A further nomination was received from Councillor Daw and the CEO closed nominations.

Candidate names were listed on the ballot paper following the drawing of lots.

Following an invitation from the CEO, Councillors Färdig, Powell and Daw addressed the Council.

A secret ballot was then conducted for the three (3) nominations received. Votes were counted by the CEO and Director Corporate Services.

ANNOUNCEMENT: RESULT OF BALLOT FOR OFFICE OF CHAIRMAN

The CEO declared Cr David Färdig as Chairman of the EMRC for the term commencing 5 November 2015 until 2017.

Cr Färdig came forward and was sworn in by the CEO to the Office of Chairman of the EMRC for the next two (2) years.

The CEO congratulated him and vacated the chair at 6:35pm.

At 6:35pm, Cr Färdig took the Chair.



Nomination for Chairman

To the Chief Executive Officer

I hereby nominate myself, _____ for the position of Chairman of the Eastern Metropolitan Regional Council for the term of Office commencing on the date of the election and continuing until a new Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____

Date: _____



Nomination for Chairman

To the Chief Executive Officer

I hereby nominate _____ for the position of Chairman of the Eastern Metropolitan Regional Council for the term of Office commencing on the date of the election and continuing until a new Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____ Date: _____

*I _____ hereby certify that I accept the above nomination to the position of Chairman of the Eastern Metropolitan Regional Council.

Signed: _____ Date: _____

*This certificate is to be completed when a Representative is nominated by another Representative.



**Eastern Metropolitan Regional Council
Thursday 5 November 2015**

**BALLOT PAPER FOR THE
ELECTION OF THE EMRC CHAIRMAN**

HOW TO VOTE

**Place a tick in the box next to the candidate you want to elect.
Do not make any other marks on the ballot paper.**

First Name, Last Name

First Name, Last Name

First Name, Last Name

Local Government Act 1995

Local Government (Constitution) Regulations 1998

**DECLARATION BY ELECTED
CHAIRMAN**

I, _____ of
_____,

having been elected to the Office of Chairman of the Eastern Metropolitan Regional Council, declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at the EMRC Administration Office, 1st Floor,
226 Great Eastern Highway, Belmont WA 6104 on
5 November 2015

By _____(Signed)

Before me _____(Signed)



4.2 ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRMAN

REFERENCE: D2015/11443

PURPOSE OF REPORT

To provide for an election to be conducted for the office of Deputy Chairman of the EMRC.

KEY ISSUES AND RECOMMENDATION(S)

- Clause 7.3(1) of the Establishment Agreement of the EMRC provides for the election of a Deputy Chairman at the first meeting of the EMRC Council following the day on which biennial ordinary elections to elect councillors to the participants are held. The Deputy Chairman elected is to hold office until the election of a new Deputy Chairman.

Recommendation(s)

That the members of the Council elect a Deputy Chairman by secret ballot.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

The Establishment Agreement of the EMRC provides for the election of a Deputy Chairman at the first meeting of the EMRC Council following the day on which biennial ordinary elections to elect councillors to the participants are held. The Deputy Chairman elected is to hold Office until the election of a new Deputy Chairman.

It is a requirement of Schedule 2.3 of the *Local Government Act 1995* that the election is conducted by the Chairman and the nominations for the Office of Deputy Chairman are to be given to the CEO in writing before the meeting or to the Chairman before the close of nominations. Furthermore, if a member is nominated by another member the nominations cannot be accepted unless the nominee has advised the CEO or Chairman orally or in writing that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

REPORT

The Chairman will conduct the election of the Deputy Chairman.

The following material accompanies the agenda for this meeting as a means of assisting members of the Council to nominate themselves or another member for the Office of Deputy Chairman.

1. A blank nomination form for the Office of Deputy Chairman, nominate oneself
2. A blank nomination form for the Office of Deputy Chairman, nominate another
3. A blank ballot paper for Election of EMRC Deputy Chairman
4. A blank form for declaration by Elected Deputy Chairman

A list of the Members who have been appointed to the EMRC Council, (as available from member Councils at the time of preparing this report), is also included in this report.

The completed nomination forms are to be given to the CEO before the meeting or when the Chairman calls for them when dealing with this item at the meeting.



Item 4.2 continued

Following election, the Deputy Chairman will make a declaration of office.

EMRC MEMBERS 2015/2017

The following Councillors have been appointed by member Councils to the EMRC

| | |
|------------------------|--------------------|
| Cr Paul Bridges | Town of Bassendean |
| Cr Michael Lewis | Town of Bassendean |
| Cr Terry Kenyon | City of Bayswater |
| Cr Michelle Sutherland | City of Bayswater |
| Cr Janet Powell | City of Belmont |
| Cr Steve Wolff | City of Belmont |
| Cr Dylan O'Connor | Shire of Kalamunda |
| Cr Geoff Stallard | Shire of Kalamunda |
| Cr John Daw | Shire of Mundaring |
| Cr Bob Perks | Shire of Mundaring |
| Cr David Färdig | City of Swan |
| Cr David McDonnell | City of Swan |

The following Councillors have been appointed to deputise for members appointed to the EMRC

| | |
|-----------------------|--------------------|
| Cr Gerry Pule | Town of Bassendean |
| Cr Catherine Ehrhardt | City of Bayswater |
| Cr Phil Marks | City of Belmont |
| Cr Andrew Waddell | Shire of Kalamunda |
| Cr Lynn Fisher | Shire of Mundaring |
| Cr John McNamara | City of Swan |

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 4 – Good Governance

- 4.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil



Item 4.2 continued

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|-----------------------|----------------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

1. A blank nomination form for the Office of Deputy Chairman, nominate oneself (Ref: D2015/11456)
2. A blank nomination form for the Office of Deputy Chairman, nominate another (Ref: D2015/11456)
3. A blank ballot paper for Election of EMRC Deputy Chairman (Ref: D2015/11452)
4. A blank form for declaration by Elected Deputy Chairman (Ref: D2015/11454)

VOTING REQUIREMENT

Secret Ballot (election of Deputy Chairman)

RECOMMENDATION(S)

That the members of the Council elect a Deputy Chairman by secret ballot.

The Chairman advised that one (1) nomination for the Office of Deputy Chairman of the Eastern Metropolitan Regional Council had been received from Cr Kenyon and called for any further nominations.

Two (2) further nominations were received from Councillors O'Connor and Powell.

No further nominations were received and the Chairman closed nominations.

Candidate names were listed on the ballot paper following the drawing of lots.

Cr McDonnell departed the meeting at 6.37pm.

Cr McDonnell returned to the meeting at 6:38pm.

Following an invitation from the Chairman, Councillors Kenyon, O'Connor and Powell addressed the Council.

A secret ballot was then conducted for the three (3) nominations received. Votes were counted by the CEO and Director Corporate Services.

ANNOUNCEMENT: RESULT OF BALLOT FOR OFFICE OF DEPUTY CHAIRMAN

The Chairman declared Cr Terry Kenyon as Deputy Chairman of the EMRC for the term commencing 5 November 2015 until 2017.

Cr Kenyon came forward and made his Declaration of Office.



Nomination for Deputy Chairman

To the Chief Executive Officer

I hereby nominate myself, _____ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council for the term of Office commencing on the date of the election and continuing until a new Deputy Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____

Date: _____



Nomination for Deputy Chairman

To the Chief Executive Officer

I hereby nominate _____ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council for the term of Office commencing on the date of the election and continuing until a new Deputy Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____

Date: _____

*I _____ hereby certify that I accept the above nomination to the position of Deputy Chairman of the Eastern Metropolitan Regional Council.

Signed: _____

Date: _____

*This certificate is to be completed when a Representative is nominated by another Representative.



**Eastern Metropolitan Regional Council
Thursday 5 November 2015**

**BALLOT PAPER FOR THE
ELECTION OF THE EMRC DEPUTY CHAIRMAN**

HOW TO VOTE

**Place a tick in the box next to the candidate you want to elect.
Do not make any other marks on the ballot paper.**

First Name, Last Name

First Name, Last Name

First Name, Last Name

Local Government Act 1995

Local Government (Constitution) Regulations 1998

**DECLARATION BY ELECTED
DEPUTY CHAIRMAN**

I, _____ of
_____,

having been elected to the Office of Deputy Chairman of the Eastern Metropolitan Regional Council, declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at the EMRC Administration Office, 1st Floor,
226 Great Eastern Highway, Belmont WA 6104 on
5 November 2015

By _____(Signed)

Before me _____(Signed)



5 REPORTS OF EMPLOYEES – APPOINTMENT OF COMMITTEES

5.1 APPOINTMENT OF MEMBERS TO THE CHIEF EXECUTIVE OFFICERS ADVISORY COMMITTEE (CEOAC)

REFERENCE: D2015/11444

PURPOSE OF REPORT

Appointment of members and deputy members to the Chief Executive Officers Advisory Committee (CEOAC).

KEY ISSUES AND RECOMMENDATION(S)

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

Recommendation(s)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*:

1. The Chief Executive Officer of each Participant Council and the EMRC be re-appointed to the Chief Executive Officers Advisory Committee.
2. The following officers be appointed as deputy members on the Chief Executive Officers Advisory Committee:

| <u>Participant Local Government</u> | <u>Deputy CEOAC Member (Occupant)</u> |
|-------------------------------------|---------------------------------------|
| Town of Bassendean | Acting CEO |
| City of Bayswater | Director Technical Services |
| City of Belmont | Acting CEO |
| Shire of Kalamunda | Director Development Services |
| Shire of Mundaring | Acting CEO |
| City of Swan | Acting CEO |
| EMRC | Acting CEO |

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

Chief Executive Officers Advisory Committee:

Established: 8 December 1994.

Membership: Chief Executive Officer of each participant Local Government and the EMRC. A deputy member for CEOAC may be nominated by the CEO of each participant local government.

Meetings: The committee usually meets on the first Tuesday of the month, according to a schedule of meetings adopted by the Council.



Item 5.1 continued

Terms of Reference: Regional, Strategic and Policy Development; and
Matters of regional relevance.

At the Council meeting held on 18 March 2004, Council resolved to appoint deputy members to each of the members of the CEOAC. The deputy members were nominated by the Chief Executive Officer of each participant local government.

REPORT

The Chief Executive Officers of each participant Local Government are listed below:

| <u>Participant Local Government</u> | <u>Chief Executive Officer</u> |
|-------------------------------------|--------------------------------|
| Town of Bassendean | Mr Bob Jarvis |
| City of Bayswater | Ms Francesca Lefante |
| City of Belmont | Mr Stuart Cole |
| Shire of Kalamunda | Ms Rhonda Hardy |
| Shire of Mundaring | Mr Jonathan Throssell |
| City of Swan | Mr Mike Foley |

The appointment of deputy members to committees provides the opportunity for a committee member to be represented when he or she is unable to attend. Council Policy 2.1 allows for a deputy to be appointed for each committee member. The appointment of deputies is also beneficial as a means of ensuring a quorum is present to allow for the orderly flow of business.

The following have been nominated as deputy members of the CEOAC by the Chief Executive Officer of the relevant participant local government.

| <u>Participant Local Government</u> | <u>Nominated Deputy</u> |
|-------------------------------------|-------------------------------|
| Town of Bassendean | Acting CEO |
| City of Bayswater | Director Technical Services |
| City of Belmont | Acting CEO |
| Shire of Kalamunda | Director Development Services |
| Shire of Mundaring | Acting CEO |
| City of Swan | Acting CEO |
| EMRC | Acting CEO |

Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2015.

The nominations for deputy members of the CEOAC have been received from member Council Chief Executive Officers.



Item 5.1 continued

In accordance with section 53 of the *Interpretation Act 1984*

“where a written law confers a power or imposes a duty upon a person to appoint or designate a person to –

- (a) Perform any function;*
- (b) Be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*
- (c) Be or do any other thing,*

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.”

Appointment to the Committee by office (position), rather than name, is considered administratively more efficient because, if during the term of office the person resigns from their substantive position, their replacement will automatically fill their position on the Committee without having to take a report to Council to formally make the appointment.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 4 – Good Governance

4.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|-----------------------|----------------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |



Item 5.1 continued

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*:

1. The Chief Executive Officer of each Participant Council and the EMRC be re-appointed to the Chief Executive Officers Advisory Committee.
2. The following officers be appointed as deputy members on the Chief Executive Officers Advisory Committee:

| <u>Participant Local Government</u> | <u>Deputy CEOAC Member (Occupant)</u> |
|-------------------------------------|---------------------------------------|
| Town of Bassendean | Acting CEO |
| City of Bayswater | Director Technical Services |
| City of Belmont | Acting CEO |
| Shire of Kalamunda | Director Development Services |
| Shire of Mundaring | Acting CEO |
| City of Swan | Acting CEO |
| EMRC | Acting CEO |

COUNCIL RESOLUTION(S)

MOVED CR PERKS

SECONDED CR PULE

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE *LOCAL GOVERNMENT ACT 1995*:

1. THE CHIEF EXECUTIVE OFFICER OF EACH PARTICIPANT COUNCIL AND THE EMRC BE RE-APPOINTED TO THE CHIEF EXECUTIVE OFFICERS ADVISORY COMMITTEE.
2. THE FOLLOWING OFFICERS BE APPOINTED AS DEPUTY MEMBERS ON THE CHIEF EXECUTIVE OFFICERS ADVISORY COMMITTEE:

| <u>PARTICIPANT LOCAL GOVERNMENT</u> | <u>DEPUTY CEOAC MEMBER (OCCUPANT)</u> |
|-------------------------------------|---------------------------------------|
| TOWN OF BASSENDEAN | ACTING CEO |
| CITY OF BAYSWATER | DIRECTOR TECHNICAL SERVICES |
| CITY OF BELMONT | ACTING CEO |
| SHIRE OF KALAMUNDA | DIRECTOR DEVELOPMENT SERVICES |
| SHIRE OF MUNDARING | ACTING CEO |
| CITY OF SWAN | ACTING CEO |
| EMRC | ACTING CEO |

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.2 APPOINTMENT OF MEMBERS TO THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (CEOPRC)

REFERENCE: D2015/11445

PURPOSE OF REPORT

Appointment of members to the Chief Executive Officer Performance Review Committee (CEOPRC).

KEY ISSUES AND RECOMMENDATION(S)

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

Recommendation(s)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995* the following persons be appointed to the Chief Executive Officer Performance Review Committee:

| <u>Participant Local Government</u> | <u>Council Member</u> |
|-------------------------------------|-----------------------|
| Town of Bassendean | Cr |
| City of Bayswater | Cr |
| City of Belmont | Cr |
| Shire of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

Chief Executive Officer Performance Review Committee:

Established: 20 July 2006.

Membership: Membership consists of six (6) Councillors, and will have no deputy members.

Meetings: The committee meets as required, generally between May and August of each year.

Terms of Reference:

- Review the CEO's performance in accordance with the appropriate provisions contained within the CEO's Contract of Employment and agreed performance objectives.
- Prepare and table the concluded Performance Review Report to the Council for consideration and actioning.
- Review the CEO's performance on an on-going basis if the Council or the CEO perceives that there is a need to do so.
- Determine the Performance Objectives to be met by the CEO for the following year and refer them to Council for consideration and actioning.



Item 5.2 continued

- e. Review the CEO's remuneration package, in accordance with the appropriate provisions of the CEO's Contract of Employment and refer the recommendations to Council for consideration and actioning.
- f. Review the CEO's Contract of Employment and make recommendations to Council in relation to varying the contract as and when necessary.
- g. Discuss with the CEO the possibility of extending his Term of Contract and entering into a new agreement for a further term, including any contract variations and make recommendations to Council for consideration and actioning.

REPORT

Section 5.11(1)(d) of the *Local Government Act 1995* (the Act) provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2015.

It is a requirement of the Act that all officers employed for a term of more than one year are to undergo an annual performance review. It is a condition of the CEO's Contract of Employment that there will be at least an annual review of performance and an annual review of remuneration in accordance with contractual provisions.

The CEOPRC currently has 6 members, and as with other committees made up of Councillors, it is limited to six (6) i.e. one member from each member Council. In accordance with section 5.8 of the Act, committees are to have a minimum of three (3) members.

Deputies have not been appointed to the CEOPRC in the past as it has been considered that the continuity of members during the annual performance review of the CEO is important to ensuring a fair and objective process is followed.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of a Chief Executive Officer Performance Review Committee.

Key Result Area 4 – Good Governance

- 4.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil



Item 5.2 continued

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|--------------------|---------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995* the following persons be appointed to the Chief Executive Officer Performance Committee:

| <u>Participant Local Government</u> | <u>Council Member</u> |
|-------------------------------------|-----------------------|
| Town of Bassendean | Cr |
| City of Bayswater | Cr |
| City of Belmont | Cr |
| Shire of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

COUNCIL RESOLUTION(S)

MOVED CR MCDONNELL

SECONDED CR LEWIS

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE LOCAL GOVERNMENT ACT 1995 THE FOLLOWING PERSONS BE APPOINTED TO THE CHIEF EXECUTIVE OFFICER PERFORMANCE COMMITTEE:

| <u>PARTICIPANT LOCAL GOVERNMENT</u> | <u>COUNCIL MEMBER</u> |
|-------------------------------------|-----------------------|
| TOWN OF BASSENDEAN | CR LEWIS |
| CITY OF BAYSWATER | CR KENYON |
| CITY OF BELMONT | CR POWELL |
| SHIRE OF KALAMUNDA | CR O'CONNOR |
| SHIRE OF MUNDARING | CR DAW |
| CITY OF SWAN | CR FÄRDIG |

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.3 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE (AC)

REFERENCE: D2015/11446

PURPOSE OF REPORT

Appointment of members to the Audit Committee (AC).

KEY ISSUES AND RECOMMENDATION(S)

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

Recommendation(s)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*:

1. The following be appointed as members to the Audit Committee:

| <u>Participant Local Government</u> | <u>Council Member</u> |
|-------------------------------------|-----------------------|
| Town of Bassendean | Cr |
| City of Bayswater | Cr |
| City of Belmont | Cr |
| Shire of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

2. The following be appointed as deputy members to the Audit Committee:

| <u>Participant Local Government</u> | <u>Deputy Council Member</u> |
|-------------------------------------|------------------------------|
| Town of Bassendean | Cr |
| City of Bayswater | Cr |
| City of Belmont | Cr |
| Shire of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

Audit Committee:

Established: 19 May 2005.

Membership: The Membership of the Committee is comprised of one (1) Councillor from each member Council.

Meetings: The Committee meets as required at the discretion of the Chairman of the Committee at least three (3) times per year to coincide with approval of the strategic and annual plans, the annual budget and the auditor's report on the annual financial report.



Item 5.3 continued

Terms of Reference: To assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of controls and facilitating the organisation's ethical development.

REPORT

Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2015.

The appointment of deputy members to committees provides the opportunity for a committee member to be represented when he or she is unable to attend. Council Policy 2.1 allows for a deputy to be appointed for each committee member. The appointment of deputies is also recommended as a means of ensuring a quorum is present to allow for the orderly flow of business.

A legal opinion was sought in 2004 as to the position in relation to deputies for EMRC Councillors on EMRC Committees. The advice was that the Councillor appointed by the participant member Council as an EMRC Deputy Councillor could deputise on a committee for the corresponding Councillor appointed to the EMRC who had been appointed on a particular committee by resolution of the EMRC.

If however, it was determined that the other Councillor elected as a member of the EMRC Council should also be a deputy member of the committee, the appointment would need to be made by resolution of the EMRC Council.

This report item provides the opportunity for the appointment of the other EMRC Councillor from a member Council to deputise on a committee in addition to the EMRC Deputy Councillor.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Audit Committee.

Key Result Area 4 – Good Governance

4.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil



Item 5.3 continued

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|-----------------------|----------------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*:

1. The following be appointed as members to the Audit Committee:

| <u>Participant Local Government</u> | <u>Council Member</u> |
|-------------------------------------|-----------------------|
| Town of Bassendean | Cr |
| City of Bayswater | Cr |
| City of Belmont | Cr |
| Shire of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

2. The following be appointed as deputy members to the Audit Committee:

| <u>Participant Local Government</u> | <u>Deputy Council Member</u> |
|-------------------------------------|------------------------------|
| Town of Bassendean | Cr |
| City of Bayswater | Cr |
| City of Belmont | Cr |
| Shire of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |



Item 5.3 continued

COUNCIL RESOLUTION(S)

MOVED CR PULE

SECONDED CR PERKS

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE LOCAL GOVERNMENT ACT 1995:

1. THE FOLLOWING BE APPOINTED AS MEMBERS TO THE AUDIT COMMITTEE:

PARTICIPANT LOCAL
GOVERNMENT

COUNCIL MEMBER

TOWN OF BASSENDEAN
CITY OF BAYSWATER
CITY OF BELMONT
SHIRE OF KALAMUNDA
SHIRE OF MUNDARING
CITY OF SWAN

CR BRIDGES
CR SUTHERLAND
CR WOLFF
CR STALLARD
CR PERKS
CR FÄRDIG

2. THE FOLLOWING BE APPOINTED AS DEPUTY MEMBERS TO THE AUDIT COMMITTEE:

PARTICIPANT LOCAL
GOVERNMENT

DEPUTY COUNCIL MEMBER

TOWN OF BASSENDEAN
CITY OF BAYSWATER
CITY OF BELMONT
SHIRE OF KALAMUNDA
SHIRE OF MUNDARING
CITY OF SWAN

CR LEWIS
CR KENYON
CR POWELL
CR O'CONNOR
CR DAW
CR MCDONNELL

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.4 APPOINTMENT OF MEMBERS TO THE TECHNICAL ADVISORY COMMITTEE (TAC)

REFERENCE: D2015/11447

PURPOSE OF REPORT

Appointment of members to the Technical Advisory Committee (TAC).

KEY ISSUES AND RECOMMENDATION(S)

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

Recommendation(s)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*:

- The following be appointed to the Technical Advisory Committee:

| <u>Participant Local Government/EMRC</u> | <u>TAC Member</u> |
|--|----------------------------------|
| Town of Bassendean | Director Operational Services |
| City of Bayswater | Director Technical Services |
| City of Belmont | Director Technical Services |
| Shire of Kalamunda | Director Infrastructure Services |
| Shire of Mundaring | Director Infrastructure Services |
| City of Swan | Executive Manager Operations |
| EMRC | Chief Executive Officer |

- The following be appointed as deputy members to the Technical Advisory Committee:

| <u>Participant Local Government</u> | <u>Deputy Member</u> |
|-------------------------------------|---------------------------------------|
| Town of Bassendean | Manager Asset Services |
| City of Bayswater | Manager Environmental Health Services |
| City of Belmont | Manager Health & Ranger Services |
| Shire of Kalamunda | Manager Infrastructure Services |
| Shire of Mundaring | Manager Design Services |
| City of Swan | Manager Fleet and Waste Services |

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

Technical Advisory Committee:

Established: Re-visited 8 December 1994.

Membership: Membership will be the CEO of the EMRC or nominee and a principal officer of each of the Participant Local Governments nominated by the member Council CEO.



Item 5.4 continued

A Deputy member for the TAC member may be nominated by the CEO of each participant local government.

Meetings: The committee holds regular meetings usually on a Thursday according to a schedule of meetings adopted by the Council.

Terms of Reference: To give consideration and prepare recommendations to Council in relation to waste management, environment, risk management and other technical matters referred to it from time to time.

REPORT

Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2015.

The nominations for members of the TAC have been received from member Council Chief Executive Officers as follows:

| <u>Participant Local Government/EMRC</u> | <u>Member</u> |
|--|----------------------------------|
| Town of Bassendean | Director Operational Services |
| City of Bayswater | Director Technical Services |
| City of Belmont | Director Technical Services |
| Shire of Kalamunda | Director Infrastructure Services |
| Shire of Mundaring | Director Infrastructure Services |
| City of Swan | Executive Manager Operations |
| EMRC | Chief Executive Officer |

The appointment of deputy members to committees provides the opportunity for a committee member to be represented when he or she is unable to attend. Council Policy 2.1 allows for a deputy to be appointed for each committee member. The appointment of deputies is also beneficial as a means of ensuring a quorum is present to allow for the orderly flow of business.

The following have been nominated as deputy members of the TAC by the Chief Executive Officer of the relevant participant local government.

| <u>Participant Local Government</u> | <u>Deputy Member</u> |
|-------------------------------------|---------------------------------------|
| Town of Bassendean | Manager Asset Services |
| City of Bayswater | Manager Environmental Health Services |
| City of Belmont | Manager Health & Ranger Services |
| Shire of Kalamunda | Manager Infrastructure Services |
| Shire of Mundaring | Manager Design Services |
| City of Swan | Manager Fleet and Waste Services |



Item 5.4 continued

In accordance with section 53 of the *Interpretation Act 1984*

“where a written law confers a power or imposes a duty upon a person to appoint or designate a person to –

- (a) Perform any function;*
- (b) Be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*
- (c) Be or do any other thing,*

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.”

Appointment to the Committee by office (position), rather than name, is considered administratively more efficient because, if during the term of office the person resigns from their substantive position, their replacement will automatically fill their position on the Committee without having to take a report to Council to formally make the appointment.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Technical Advisory Committee.

Key Result Area 4 – Good Governance

4.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|-----------------------|----------------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

Nil



Item 5.4 continued

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*:

1. The following be appointed to the Technical Advisory Committee:

| <u>Participant Local Government/EMRC</u> | <u>TAC Member</u> |
|--|----------------------------------|
| Town of Bassendean | Director Operational Services |
| City of Bayswater | Director Technical Services |
| City of Belmont | Director Technical Services |
| Shire of Kalamunda | Director Infrastructure Services |
| Shire of Mundaring | Director Infrastructure Services |
| City of Swan | Executive Manager Operations |
| EMRC | Chief Executive Officer |

2. The following be appointed as deputy members to the Technical Advisory Committee:

| <u>Participant Local Government</u> | <u>Deputy Member</u> |
|-------------------------------------|---------------------------------------|
| Town of Bassendean | Manager Asset Services |
| City of Bayswater | Manager Environmental Health Services |
| City of Belmont | Manager Health & Ranger Services |
| Shire of Kalamunda | Manager Infrastructure Services |
| Shire of Mundaring | Manager Design Services |
| City of Swan | Manager Fleet and Waste Services |



Item 5.4 continued

COUNCIL RESOLUTION(S)

MOVED CR PERKS

SECONDED CR O'CONNOR

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE LOCAL GOVERNMENT ACT 1995:

1. THE FOLLOWING BE APPOINTED TO THE TECHNICAL ADVISORY COMMITTEE:

PARTICIPANT LOCAL
GOVERNMENT/EMRC

TAC MEMBER

TOWN OF BASSENDEAN
CITY OF BAYSWATER
CITY OF BELMONT
SHIRE OF KALAMUNDA
SHIRE OF MUNDARING
CITY OF SWAN
EMRC

DIRECTOR OPERATIONAL SERVICES
DIRECTOR TECHNICAL SERVICES
DIRECTOR TECHNICAL SERVICES
DIRECTOR INFRASTRUCTURE SERVICES
DIRECTOR INFRASTRUCTURE SERVICES
EXECUTIVE MANAGER OPERATIONS
CHIEF EXECUTIVE OFFICER

2. THE FOLLOWING BE APPOINTED AS DEPUTY MEMBERS TO THE TECHNICAL ADVISORY COMMITTEE:

PARTICIPANT LOCAL
GOVERNMENT

DEPUTY MEMBER

TOWN OF BASSENDEAN
CITY OF BAYSWATER
CITY OF BELMONT
SHIRE OF KALAMUNDA
SHIRE OF MUNDARING
CITY OF SWAN

MANAGER ASSET SERVICES
MANAGER ENVIRONMENTAL HEALTH
SERVICES
MANAGER HEALTH & RANGER SERVICES
MANAGER INFRASTRUCTURE SERVICES
MANAGER DESIGN SERVICES
MANAGER FLEET AND WASTE SERVICES

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.5 APPOINTMENT OF MEMBERS TO THE RESOURCE RECOVERY COMMITTEE (RRC)

REFERENCE: D2015/11448

PURPOSE OF REPORT

Appointment of members to the Resource Recovery Committee.

KEY ISSUES AND RECOMMENDATION(S)

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The Committee comprised 1 Council member from each participant and the members of the Technical Advisory Committee.

Recommendation(s)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*:

- The following be appointed to the Resource Recovery Committee:

| <u>Participant Local Government/EMRC</u> | <u>Councillor Member</u> | <u>Officer Member</u> |
|--|--------------------------|----------------------------------|
| Town of Bassendean | Cr | Director Operational Services |
| City of Bayswater | Cr | Director Technical Services |
| City of Belmont | Cr | Director Technical Services |
| Shire of Kalamunda | Cr | Director Infrastructure Services |
| Shire of Mundaring | Cr | Director Infrastructure Services |
| City of Swan | Cr | Executive Manager Operations |
| EMRC | | Chief Executive Officer |

- The following be appointed as deputy members to the Resource Recovery Committee:

| <u>Participant Local Government</u> | <u>Deputy Councillor Member</u> | <u>Deputy Officer Member</u> |
|-------------------------------------|---------------------------------|---------------------------------------|
| Town of Bassendean | Cr | Manager Asset Services |
| City of Bayswater | Cr | Manager Environmental Health Services |
| City of Belmont | Cr | Manager Health & Ranger Services |
| Shire of Kalamunda | Cr | Manager Infrastructure Services |
| Shire of Mundaring | Cr | Manager Design Services |
| City of Swan | Cr | Manager Fleet and Waste Services |

SOURCE OF REPORT

Director Corporate Services
 Manager Administration & Compliance



Item 5.5 continued

BACKGROUND

Resource Recovery Committee:

Established: 24 February 2000.

Membership: The membership of the Committee is comprised of one (1) Councillor from each member Council and the members of the Technical Advisory Committee (TAC).

The deputy members appointed for TAC will have the same role on the RRC.

Council will appoint deputy members to Councillor members on the RRC.

Meetings: The committee holds regular meetings and preferably immediately following the TAC meeting according to a schedule of meetings adopted by Council.

Terms of Reference: To review and progress resource recovery activities for the region.

REPORT

Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2015.

Nominations for Councillor members of the RRC are being sought as part of this report item.

The appointment of deputy members to committees provides the opportunity for a committee member to be represented when he or she is unable to attend. Council Policy 2.1 allows for a deputy to be appointed for each committee member. The appointment of deputies is also recommended as a means of ensuring a quorum is present to allow for the orderly flow of business.

A legal opinion was sought in 2004 as to the position in relation to deputies for EMRC Councillors on EMRC Committees.

The advice was that the Councillor appointed by the participant member Council as an EMRC Deputy Councillor could deputise on a committee for the corresponding Councillor appointed to the EMRC who had been appointed on a particular committee by resolution of the EMRC.

If however, it was determined that the other Councillor elected as a member of the EMRC Council should also be a deputy member of the committee, the appointment would need to be made by resolution of the EMRC Council.

This report item provides the opportunity for the appointment of the other EMRC Councillor from a member Council to deputise on a committee in addition to the EMRC Deputy Councillor.

Nominations for Deputy Councillor members are being sought as part of this report item.



Item 5.5 continued

In accordance with the RRC Terms of Reference, officer members of the RRC are members of the TAC. The officers on the RRC are:

| <u>Participant Local Government/EMRC</u> | <u>RRC Officer Member</u> |
|--|----------------------------------|
| Town of Bassendean | Director Operational Services |
| City of Bayswater | Director Technical Services |
| City of Belmont | Director Technical Services |
| Shire of Kalamunda | Director Infrastructure Services |
| Shire of Mundaring | Director Infrastructure Services |
| City of Swan | Executive Manager Operations |
| EMRC | Chief Executive Officer |

The following have been nominated as deputy officer members of the RRC by the Chief Executive Officer of the relevant participant local government.

| <u>Participant Local Government</u> | <u>Deputy Officer Member</u> |
|-------------------------------------|---------------------------------------|
| Town of Bassendean | Manager Asset Services |
| City of Bayswater | Manager Environmental Health Services |
| City of Belmont | Manager Health & Ranger Services |
| Shire of Kalamunda | Manager Infrastructure Services |
| Shire of Mundaring | Manager Design Services |
| City of Swan | Manager Fleet and Waste Services |

In accordance with section 53 of the Interpretation Act 1984

“where a written law confers a power or imposes a duty upon a person to appoint or designate a person to –

- (a) Perform any function;*
- (b) Be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*
- (c) Be or do any other thing,*

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.”

Appointment to the Committee by office (position), rather than name, is considered administratively more efficient because, if during the term of office the person resigns from their substantive position, their replacement will automatically fill their position on the Committee without having to take a report to Council to formally make the appointment.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Resource Recovery Committee.

Key Result Area 4 – Good Governance

- 4.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil



Item 5.5 continued

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|--------------------|---------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*:

- The following be appointed to the Resource Recovery Committee:

| <u>Participant Local Government/EMRC</u> | <u>Councillor Member</u> | <u>Officer Member</u> |
|--|--------------------------|----------------------------------|
| Town of Bassendean | Cr | Director Operational Services |
| City of Bayswater | Cr | Director Technical Services |
| City of Belmont | Cr | Director Technical Services |
| Shire of Kalamunda | Cr | Director Infrastructure Services |
| Shire of Mundaring | Cr | Director Infrastructure Services |
| City of Swan | Cr | Executive Manager Operations |
| EMRC | | Chief Executive Officer |

- The following be appointed as deputy members to the Resource Recovery Committee:

| <u>Participant Local Government</u> | <u>Deputy Councillor Member</u> | <u>Deputy Officer Member</u> |
|-------------------------------------|---------------------------------|---------------------------------------|
| Town of Bassendean | Cr | Manager Asset Services |
| City of Bayswater | Cr | Manager Environmental Health Services |
| City of Belmont | Cr | Manager Health & Ranger Services |
| Shire of Kalamunda | Cr | Manager Infrastructure Services |
| Shire of Mundaring | Cr | Manager Design Services |
| City of Swan | Cr | Manager Fleet and Waste Services |



Item 5.5 continued

COUNCIL RESOLUTION(S)

MOVED CR WOLFF

SECONDED CR PULE

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE LOCAL GOVERNMENT ACT 1995:

1. THE FOLLOWING BE APPOINTED TO THE RESOURCE RECOVERY COMMITTEE:

| <u>PARTICIPANT LOCAL GOVERNMENT/EMRC</u> | <u>COUNCILLOR MEMBER</u> | <u>OFFICER MEMBER</u> |
|--|--------------------------|----------------------------------|
| TOWN OF BASSENDEAN | CR LEWIS | DIRECTOR OPERATIONAL SERVICES |
| CITY OF BAYSWATER | CR SUTHERLAND | DIRECTOR TECHNICAL SERVICES |
| CITY OF BELMONT | CR POWELL | DIRECTOR TECHNICAL SERVICES |
| SHIRE OF KALAMUNDA | CR O'CONNOR | DIRECTOR INFRASTRUCTURE SERVICES |
| SHIRE OF MUNDARING | CR DAW | DIRECTOR INFRASTRUCTURE SERVICES |
| CITY OF SWAN | CR MCDONNELL | EXECUTIVE MANAGER OPERATIONS |
| EMRC | | CHIEF EXECUTIVE OFFICER |

2. THE FOLLOWING BE APPOINTED AS DEPUTY MEMBERS TO THE RESOURCE RECOVERY COMMITTEE:

| <u>PARTICIPANT LOCAL GOVERNMENT</u> | <u>DEPUTY COUNCILLOR MEMBER</u> | <u>DEPUTY OFFICER MEMBER</u> |
|-------------------------------------|---------------------------------|---------------------------------------|
| TOWN OF BASSENDEAN | CR BRIDGES | MANAGER ASSET SERVICES |
| CITY OF BAYSWATER | CR KENYON | MANAGER ENVIRONMENTAL HEALTH SERVICES |
| CITY OF BELMONT | CR WOLFF | MANAGER HEALTH & RANGER SERVICES |
| SHIRE OF KALAMUNDA | CR STALLARD | MANAGER INFRASTRUCTURE SERVICES |
| SHIRE OF MUNDARING | CR PERKS | MANAGER DESIGN SERVICES |
| CITY OF SWAN | CR FÄRDIG | MANAGER FLEET AND WASTE SERVICES |

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.6 APPOINTMENT OF MEMBERS TO THE INVESTMENT COMMITTEE (IC)

REFERENCE: D2015/11449

PURPOSE OF REPORT

Appointment of members to the Investment Committee (IC).

KEY ISSUES AND RECOMMENDATION(S)

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

Recommendation(s)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*, Cr(s) be appointed as members to the Investment Committee.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

Investment Committee:

| | |
|---------------------|---|
| Established: | 21 February 2008 |
| Membership: | The Membership of the Committee is comprised of Council members able to meet at short notice. |
| Meetings: | The committee meets as required at the discretion of the Chairman of the Committee. |
| Terms of Reference: | <p>Objectives</p> <p>The primary objective of the Investment Committee is to deal with matters related to EMRC's Management of Investment Policy.</p> <p>The Investment Committee is established to:</p> <ul style="list-style-type: none">• Consider amendment and revision to EMRC Policy 3.3 Management of Investment Policy;• Deal with matters referred to the committee, by the Chief Executive Officer (CEO), under Policy 3.3 Management of Investment Policy; and• Deal with legal and other matters associated with the Grange Securities Ltd/Lehman Brothers Investment Mandate Agreement (3 March 2005) as referred to the committee by the CEO or Council. |
| Delegation: | The Investment Committee has the delegated powers and duties of Council associated with the EMRC investment portfolio, that have not been delegated to the CEO inclusive of, but not limited to, the acceptance of tenders for the provision of advice and services and to deal with any legal proceedings that may need to be initiated. |



Item 5.6 continued

REPORT

Section 5.11(1)(d) of the *Local Government Act 1995* (the Act) provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2015.

In accordance with section 5.8 of the Act, committees are to have a minimum of three (3) members. It is envisaged that membership of the IC would be limited to a maximum six (6) i.e. one member from each member Council, however one of the criteria for this committee is that members be available to attend meetings at short notice and within normal business hours, if required. During the past two years, the IC had six (6) members. Prior to that, the IC had four (4) members.

Ideally, due to the historical and complex nature of the legal and other matters associated with the previous Grange Securities/Lehman Brothers Investment Mandate Agreement (3 March 2005) that have been dealt with by the Investment Committee, it would be considered most efficacious to reappoint previous committee members, if possible, in order to take advantage of their existing knowledge base.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of an Investment Committee.

Key Result Area 4 – Good Governance

4.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|-----------------------|----------------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority



Item 5.6 continued

RECOMMENDATION(S)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*, Cr(s) be appointed as members to the Investment Committee.

COUNCIL RESOLUTION(S)

MOVED CR KENYON

SECONDED CR DAW

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE *LOCAL GOVERNMENT ACT 1995*, CRS KENYON, POWELL, STALLARD, PERKS AND MCDONNELL BE APPOINTED AS MEMBERS TO THE INVESTMENT COMMITTEE.

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.7 APPOINTMENT OF MEMBER DELEGATE AND MEMBER DEPUTY DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL (MWAC)

REFERENCE: D2015/11450

PURPOSE OF REPORT

To review the Council's appointment of delegates and deputy delegates to the Municipal Waste Advisory Council (MWAC).

KEY ISSUES AND RECOMMENDATION(S)

- There is no term of office for these appointments as the EMRC is the member, not the individual nominated delegate. The member can continue as a delegate for as long as he/she is a member of the EMRC and until such time as the EMRC nominates a different delegate. Council however reviews the appointment of member and deputy member delegates to MWAC following each ordinary elections day.

Recommendation(s)

That:

1. Crbe the Member Delegate to the Municipal Waste Advisory Council and Crbe the Deputy Member Delegate to the Municipal Waste Advisory Council.
2. The Director Waste Services be the Officer Delegate to the Municipal Waste Advisory Council and that the Chief Executive Officer (CEO) be the Deputy Officer Delegate to the Municipal Waste Advisory Council.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

EMRC Policy 1.1 Election of MWAC Representatives states that:

1. The Council will elect a Member Delegate and Member Deputy Delegate and an Officer Delegate and Deputy Delegate to represent the EMRC on the MWAC.
2. If either the Member Delegate or Officer Delegate is not present at a MWAC meeting the Member Deputy Delegate or Officer Deputy Delegate will be eligible to vote on behalf of the EMRC.

The Municipal Waste Advisory Council (MWAC) is a standing committee of the Western Australian Local Government Association with delegated authority on municipal waste issues.

MWAC's membership includes the major Regional Councils. This makes MWAC a forum through which all the major Local Government waste management organisations cooperate.

MWAC focuses its work in three main areas:

- The proactive development of policy on priority issues;
- Comprehensive representation of Local Government views on legislation, regulations, administrative policy and related matters; and
- The delivery of grant funded programs consistent with Local Government priorities.



Item 5.7 continued

There is no sitting fee for MWAC members. The MWAC meeting calendar for 2015/2016 is as follows:

| | |
|----------------------------|--|
| Wednesday 16 December 2015 | Local Government House - 15 Altona Street – West Perth |
| Wednesday 17 February 2016 | Local Government House - 15 Altona Street – West Perth |
| Wednesday 20 April 2016 | Local Government House - 15 Altona Street – West Perth |
| Wednesday 15 June 2016 | Local Government House - 15 Altona Street – West Perth |
| Wednesday 17 August 2016 | Local Government House - 15 Altona Street – West Perth |
| Wednesday 19 October 2016 | Local Government House - 15 Altona Street – West Perth |
| Wednesday 14 December 2016 | Local Government House - 15 Altona Street – West Perth |

The meetings run from 4:00pm to 6:00pm and are followed by a light supper. Agendas are posted out the Wednesday prior to the meeting, and posted on the WasteNet website.

Members of MWAC are expected to:

- Attend all meetings (extenuating circumstances excepted);
- Have some background knowledge/and or interest in waste management issues generally;
- Read their agendas prior to meetings;
- Act as a representative of their Regional Council and community; and
- Contribute knowledge/opinions/ideas in MWAC meetings.

Basically the biggest expectation of MWAC members is that they attend meetings, are interested and contribute ideas, etc. There are occasional workshops/seminars/conferences for Elected Members, but the Chair will usually act as the MWAC representative in this instance, and other Elected Members can optionally attend.

REPORT

MWAC member organisations include the Eastern Metropolitan Regional Council, Southern Metropolitan Regional Council, Western Metropolitan Regional Council, Mindarie Regional Council, Rivers Regional Council, Bunbury-Harvey Regional Council, Mid West Regional Council and City of Greater Geraldton. MWAC technical advice comes through the Officers' Advisory Group (OAG) which includes CEOs and senior officers of Regional Councils as well as representatives from the metropolitan and non-metropolitan zones.

There is no term of office for these appointments as the EMRC is the member, not the individual nominated delegate. The member can continue as a delegate for as long as he/she is a member of the EMRC and until such time as the EMRC nominates a different delegate. Council reviews the appointment of member and deputy member delegates to MWAC following each ordinary elections day.

STRATEGIC/POLICY IMPLICATIONS

EMRC Policy 1.1 Election of MWAC Representatives

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil



Item 5.7 continued

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|-----------------------|----------------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| Shire of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That:

1. Crbe the Member Delegate to the Municipal Waste Advisory Council and Crbe the Deputy Member Delegate to the Municipal Waste Advisory Council.
2. The Director Waste Services be the Officer Delegate to the Municipal Waste Advisory Council and that the Chief Executive Officer (CEO) be the Deputy Officer Delegate to the Municipal Waste Advisory Council.

COUNCIL RESOLUTION(S)

MOVED CR POWELL

SECONDED CR PERKS

THAT:

1. CR BRIDGES BE THE MEMBER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL AND CR SUTHERLAND BE THE DEPUTY MEMBER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL.
2. THE DIRECTOR WASTE SERVICES BE THE OFFICER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL AND THAT THE CHIEF EXECUTIVE OFFICER (CEO) BE THE DEPUTY OFFICER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL.

CARRIED UNANIMOUSLY



6 FUTURE MEETINGS OF COUNCIL

The next Ordinary meeting of Council will be held on **Thursday, 3 December 2015 (if required)** at the EMRC Administration Office, 1st Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

Future Meetings 2015

| | | | |
|-----------------------|--------------------------|----|----------------------------|
| Thursday | 3 December (if required) | at | EMRC Administration Office |
| January 2016 (recess) | | | |

Future Meetings 2016

| | | | |
|-----------------------|--------------------------|----|----------------------------|
| Thursday | 18 February | at | EMRC Administration Office |
| Thursday | 24 March | at | EMRC Administration Office |
| Thursday | 21 April (if required) | at | EMRC Administration Office |
| Thursday | 19 May (if required) | at | EMRC Administration Office |
| Thursday | 23 June | at | EMRC Administration Office |
| Thursday | 21 July (if required) | at | EMRC Administration Office |
| Thursday | 18 August | at | EMRC Administration Office |
| Thursday | 22 September | at | EMRC Administration Office |
| Thursday | 20 October (if required) | at | EMRC Administration Office |
| Thursday | 1 December | at | EMRC Administration Office |
| January 2017 (recess) | | | |

7 DECLARATION OF CLOSURE OF MEETING

The Manager Administration and Compliance distributed Primary Return documents to new EMRC Councillors.

The Chief Executive Officer introduced the Director Corporate Services - Mr Hua Jer Liew, Director Waste Services - Mr Stephen Fitzpatrick, Acting Director Regional Services - Mrs Wendy Harris, EA to the CEO – Ms Theresa Eckstein and PA to Director Corporate Services (Minutes) – Mrs Annie Hughes-d'Aeth to Council members.

There being no further business, the meeting was closed at 7:02pm.