



MINUTES

Special Meeting of Council

7 November 2013

SPECIAL MEETING OF COUNCIL

MINUTES

7 November 2013

(REF: DMDOC/183508)

An Ordinary Meeting of Council was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 7 November 2013**. 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 election to the EMRC Council.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillor Attendance

Cr Jennie Carter	EMRC Member	Town of Bassendean
Cr John Gangell (Deputising for Cr Pule)	EMRC Deputy Member	Town of Bassendean
Cr Chris Cornish	EMRC Member	City of Bayswater
Cr Alan Radford (Deputising for Cr Anderton JP)	EMRC Deputy 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 Andrew Waddell (Deputising for Cr Lindsey)	EMRC Deputy Member	Shire of Kalamunda
Cr Tony Cuccaro	EMRC Member	Shire of Mundaring
Cr Alan Pilgrim	EMRC Member	Shire of Mundaring
Cr Darryl Trease JP (Deputising for Cr Färdig)	EMRC Deputy Member	City of Swan
Cr Charlie Zannino	EMRC Member	City of Swan

EMRC Council Deputies

Cr Phil Marks	EMRC Deputy Member	City of Belmont
Cr Bob Perks	EMRC Deputy Member	Shire of Mundaring

Apologies

Cr Gerry Pule	EMRC Member	Town of Bassendean
Cr Mike Anderton JP	EMRC Member	City of Bayswater
Cr Frank Lindsey	EMRC Member	Shire of Kalamunda
Cr David Färdig	EMRC Member	City of Swan

EMRC Officers

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

Observers

Mr Bob Jarvis	Chief Executive Officer	Town of Bassendean
Ms Francesca Lefante	Chief Executive Officer	City of Bayswater

3 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

The CEO advised newly appointed Councillors' and Deputies that Primary Return forms would be distributed during the evening and were required to be returned within 3 months. Members were also advised the next meeting of the EMRC Council would be held on Thursday 5 December 2013.



4. ELECTION OF EMRC CHAIRMAN AND DEPUTY CHAIRMAN

4.1 ELECTION AND SWEARING IN OF EMRC CHAIRMAN

REFERENCE: DMDOC/183602

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 2013/2015

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

Councillor Jennie Carter	Town of Bassendean
Councillor Gerry Pule	Town of Bassendean
Councillor Mike Anderton JP	City of Bayswater
Councillor Chris Cornish	City of Bayswater
Councillor Janet Powell	City of Belmont
Councillor Steve Wolff	City of Belmont
Councillor Frank Lindsey	Shire of Kalamunda
Councillor Dylan O'Connor	Shire of Kalamunda
Councillor Tony Cuccaro	Shire of Mundaring
Councillor Alan Pilgrim	Shire of Mundaring
Councillor David Färdig	City of Swan
Councillor Charlie Zannino	City of Swan

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

Councillor John Gangell	Town of Bassendean
Councillor Alan Radford	City of Bayswater
Councillor Phil Marks	City of Belmont
Councillor Andrew Waddell	Shire of Kalamunda
Councillor Bob Perks	Shire of Mundaring
Councillor Darryl Trease JP	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: DMDOC/183528)
2. A blank nomination form for the Office of Chairman, nominate another (Ref: DMDOC/183528)
3. A blank ballot Paper for Election of EMRC Chairman (Ref: DMDOC/183592)
4. A blank form for declaration by Elected Chairman (Ref: DMDOC/183598)

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 one (1) nomination for the Office of Chairman of the EMRC had been received, from Councillor Pilgrim and called for any further nominations.

No further nominations were received and the CEO closed nominations.

The CEO declared, unopposed, Cr Alan Pilgrim as Chairman of the EMRC for the term commencing 7 November 2013 until 2015.

Cr Pilgrim 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 6:20pm.

At 6:20pm, Cr Pilgrim 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 7 November 2013**

**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.**

Last name, First Name

Last Name, First Name

Last Name, First 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
7 November 2013

By _____(Signed)

Before me _____(Signed)



4.2 ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRMAN

REFERENCE: DMDOC/183601

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 2013/2015

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

Councillor Jennie Carter	Town of Bassendean
Councillor Gerry Pule	Town of Bassendean
Councillor Mike Anderton JP	City of Bayswater
Councillor Chris Cornish	City of Bayswater
Councillor Janet Powell	City of Belmont
Councillor Steve Wolff	City of Belmont
Councillor Frank Lindsey	Shire of Kalamunda
Councillor Dylan O'Connor	Shire of Kalamunda
Councillor Tony Cuccaro	Shire of Mundaring
Councillor Alan Pilgrim	Shire of Mundaring
Councillor David Färdig	City of Swan
Councillor Charlie Zannino	City of Swan

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

Councillor John Gangell	Town of Bassendean
Councillor Alan Radford	City of Bayswater
Councillor Phil Marks	City of Belmont
Councillor Andrew Waddell	Shire of Kalamunda
Councillor Bob Perks	Shire of Mundaring
Councillor Darryl Trease JP	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: DMDOC/183530)
2. A blank nomination form for the Office of Deputy Chairman, nominate another (Ref: DMDOC/183530)
3. A blank ballot Paper for Election of EMRC Deputy Chairman (Ref: DMDOC/183593)
4. A blank form for declaration by Elected Deputy Chairman (Ref: DMDOC/183599)

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 EMRC had been received, from Councillor Powell and called for any further nominations.

No further nominations were received and the Chairman closed nominations.

The Chairman declared, unopposed, Cr Janet Powell as Deputy Chairman of the EMRC for the term commencing 7 November 2013 until 2015.

Cr Powell came forward and made her 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 7 November 2013**

**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.**

Last Name, First Name

Last Name, First Name

Last Name, First 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
7 November 2013

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: DMDOC/184350

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:

- The Chief Executive Officer of Participant Councils and the EMRC be re-appointed to the Chief Executive Officers Advisory Committee.
- The following 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 appointed 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 18 October 2013.

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 Participant Councils and the EMRC be re-appointed to the Chief Executive Officers Advisory Committee.
2. The following 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 GANGELL

SECONDED CR CUCCARO

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

1. THE CHIEF EXECUTIVE OFFICER OF PARTICIPANT COUNCILS AND THE EMRC BE RE-APPOINTED TO THE CHIEF EXECUTIVE OFFICERS ADVISORY COMMITTEE.
2. THE FOLLOWING 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: DMDOC/184351

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 18 October 2013.

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 to the CEOPRC 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 GANGELL

SECONDED CR TREASE

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 PULE
CITY OF BAYSWATER	CR ANDERTON JP
CITY OF BELMONT	CR POWELL
SHIRE OF KALAMUNDA	CR LINDSEY
SHIRE OF MUNDARING	CR PILGRIM
CITY OF SWAN	CR FÄRDIG

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.3 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE (AC)

REFERENCE: DMDOC/184352

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:

Objectives

The primary objective of the Audit Committee is 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 18 October 2013.

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 CUCCARO SECONDED CR ZANNINO

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 PULE
CITY OF BAYSWATER	Cr CORNISH
CITY OF BELMONT	Cr WOLFF
SHIRE OF KALAMUNDA	Cr O'CONNOR
SHIRE OF MUNDARING	Cr PILGRIM
CITY OF SWAN	Cr FÄRDIG

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 CARTER
CITY OF BAYSWATER	Cr ANDERTON JP
CITY OF BELMONT	Cr POWELL
SHIRE OF KALAMUNDA	Cr LINDSEY
SHIRE OF MUNDARING	Cr CUCCARO
CITY OF SWAN	Cr ZANNINO

CARRIED BY AN ABSOLUTE MAJORITY 12/0



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

REFERENCE: DMDOC/184353

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 of Infrastructure
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/EMRC</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 18 October 2013.

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

<u>Participant Local Government</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 of Infrastructure
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

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,*



Item 5.4 continued

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

VOTING REQUIREMENT

Absolute Majority



Item 5.4 continued

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 of Infrastructure
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/EMRC</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

COUNCIL RESOLUTION(S)

MOVED CR CUCCARO

SECONDED CR RADFORD

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 OF INFRASTRUCTURE
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/EMRC</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

CARRIED BY AN ABSOLUTE MAJORITY 12/0



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

REFERENCE: DMDOC/184354

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 of Infrastructure
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/EMRC</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 18 October 2013.

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 of Infrastructure
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/EMRC</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 of Infrastructure
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/EMRC</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 TREASE

SECONDED CR CARTER

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 CARTER	DIRECTOR OPERATIONAL SERVICES
CITY OF BAYSWATER	CR ANDERTON JP	DIRECTOR TECHNICAL SERVICES
CITY OF BELMONT	CR POWELL	DIRECTOR TECHNICAL SERVICES
SHIRE OF KALAMUNDA	CR LINDSEY	DIRECTOR OF INFRASTRUCTURE
SHIRE OF MUNDARING	CR CUCCARO	DIRECTOR INFRASTRUCTURE SERVICES
CITY OF SWAN	CR ZANNINO	EXECUTIVE MANAGER OPERATIONS
EMRC		CHIEF EXECUTIVE OFFICER

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

<u>PARTICIPANT LOCAL GOVERNMENT/EMRC</u>	<u>DEPUTY COUNCILLOR MEMBER</u>	<u>DEPUTY OFFICER MEMBER</u>
TOWN OF BASSENDEAN	CR PULE	MANAGER ASSET SERVICES
CITY OF BAYSWATER	CR CORNISH	MANAGER ENVIRONMENTAL HEALTH SERVICES
CITY OF BELMONT	CR WOLFF	MANAGER HEALTH & RANGER SERVICES
SHIRE OF KALAMUNDA	CR O'CONNOR	MANAGER INFRASTRUCTURE SERVICES
SHIRE OF MUNDARING	CR PILGRIM	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: DMDOC/184355

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 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 18 October 2013.

The IC currently has four (4) members. 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.

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 the 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 CUCCARO

SECONDED CR TREASE

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE LOCAL GOVERNMENT ACT 1995, CRS PILGRIM, PULE, CORNISH, POWELL, O'CONNOR AND FÄRDIG 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: DMDOC/184356

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. MWAC meeting calendar for 2013/2014

Wednesday 11 December 2013	Local Government House - 15 Altona Street – West Perth
Wednesday 19 February 2014	Local Government House - 15 Altona Street – West Perth
Wednesday 23 April 2014	Local Government House - 15 Altona Street – West Perth
Wednesday 18 June 2014	Local Government House - 15 Altona Street – West Perth
Wednesday 27 August 2014	Local Government House - 15 Altona Street – West Perth
Wednesday 29 October 2014	Local Government House - 15 Altona Street – West Perth
Wednesday 10 December 2014	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 CUCCARO

SECONDED CR GANGELL

THAT:

1. CR CARTER BE THE MEMBER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL AND CR POWELL 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, 5 December 2013** at the EMRC Administration Office, 1st Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

Future Meetings 2013

Thursday	5 December	at	EMRC Administration Office
January 2014 (recess)			

Future Meetings 2014

Thursday	20 February	at	EMRC Administration Office
Thursday	20 March	at	EMRC Administration Office
Thursday	17 April (if required)	at	EMRC Administration Office
Thursday	22 May (if required)	at	EMRC Administration Office
Thursday	19 June	at	EMRC Administration Office
Thursday	24 July (if required)	at	EMRC Administration Office
Thursday	21 August	at	EMRC Administration Office
Thursday	18 September	at	EMRC Administration Office
Thursday	23 October (if required)	at	EMRC Administration Office
Thursday	4 December	at	EMRC Administration Office
January 2015 (recess)			

7 DECLARATION OF CLOSURE OF MEETING

There being no further business, the meeting was closed at 6.34pm.