



# **MINUTES**

Special Meeting of Council

**17 October 2019**

## SPECIAL MEETING OF COUNCIL

### MINUTES

17 October 2019

(REF: D2019/15331)

A Special Meeting of Council was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 17 October 2019**. The meeting commenced at **6:00pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 6:00pm, welcomed visitors and acknowledged the traditional custodians of the land on which the meeting was held and paid respects to the elders past, present and future.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

### Councillor Attendance

Cr David McDonnell ( <b>Chairman</b> )	EMRC Member	City of Swan
Cr Dylan O'Connor ( <b>Deputy Chairman</b> )	EMRC Member	City of Kalamunda
Cr Melissa Mykytiuk	EMRC Member	Town of Bassendean
Cr Jai Wilson	EMRC Member	Town of Bassendean
Cr Barry McKenna	EMRC Member	City of Bayswater
Cr Sally Palmer	EMRC Member	City of Bayswater
Cr Janet Powell	EMRC Member	City of Belmont
Cr Geoff Stallard	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Doug Jeans (Deputising for Cr Lavell)	EMRC Deputy Member	Shire of Mundaring
Cr Ian Johnson (Deputising for Cr Kovalevs)	EMRC Deputy Member	City of Swan

### Apologies

Cr Steve Wolff	EMRC Member	City of Belmont
Cr Phil Marks	EMRC Deputy Member	City of Belmont
Cr David Lavell	EMRC Member	Shire of Mundaring
Cr Adam Kovalevs	EMRC Member	City of Swan

### EMRC Officers

Mr Marcus Geisler	Chief Executive Officer
Mr Hua Jer Liew	Director Corporate Services
Mr Steve Fitzpatrick	Director Waste Services
Mrs Wendy Harris	Director Regional Services
Miss Izabella Krzysko	Manager Procurement and Governance
Ms Theresa Eckstein	Executive Assistant to Chief Executive Officer
Mrs Annie Hughes-d'Aeth	Personal Assistant to Director Corporate Services (Minutes)

### Observer(s)

Cr Kathryn Hamilton	EMRC Deputy Member	Town of Bassendean
Cr Filomena Piffaretti	EMRC Deputy Member	City of Bayswater
Cr Cameron Blair	EMRC Deputy Member	City of Kalamunda
Mr Doug Pearson	Director Works and Infrastructure	City of Bayswater
Mr Steve Morrison	Manager Works	City of Belmont
Mr Brice Campbell	Waste and Recycling Coordinator	Town of Bassendean

### Visitor(s)

Mr Greg Mohen	Partner	Kott Gunning Lawyers
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**3 DISCLOSURE OF INTERESTS**

Nil

**4 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION**

The Chairman thanked Councillors for attending the meeting at short notice.

Mr Mohen entered the meeting at 6:04pm.

**5 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC**

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following report item is covered in Section 10 of this agenda:

10.1 TENDER RFT2019-002 MOBILE AERATED FLOOR SYSTEM

**6 MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**7 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil

**8 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING**

Nil

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 19 SEPTEMBER 2019**

That the minutes of the Ordinary Meeting of Council held on 19 September 2019 which have been distributed, be confirmed.

**COUNCIL RESOLUTION**

MOVED CR POWELL

SECONDED CR PALMER

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 19 SEPTEMBER 2019 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

**CARRIED UNANIMOUSLY**



**10 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

**RECOMMENDATION (Closing meeting to the public)**

That with the exception of ....., the meeting be closed to members of the public in accordance with Section 5.23 (2) (a) and (c) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

**COUNCIL RESOLUTION**

MOVED CR JOHNSON                      SECONDED CR PALMER

THAT WITH THE EXCEPTION OF THE CEO, DIRECTOR CORPORATE SERVICES, DIRECTOR WASTE SERVICES, DIRECTOR REGIONAL SERVICES. DEPUTY COUNCIL MEMBERS, WAC OFFICER, WAC DEPUTY OFFICERS, MR MOHEN, KOTT GUNNING LAWYERS, MANAGER PROCUREMENT AND GOVERNANCE, EXECUTIVE ASSISTANT TO THE CEO AND PERSONAL ASSISTANT TO THE DIRECTOR CORPORATE SERVICES THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**CARRIED UNANIMOUSLY**

The doors of the meeting were closed at 6:05pm and members of the public departed the Council Chambers.

The Chief Executive Officer, Director Corporate Services, Director Waste Services, Director Regional Services, Deputy Council Members, WAC Officer, WAC Deputy Officers, Mr Mohen, Kott Gunning Lawyers, Manager Procurement and Governance, Executive Assistant to the CEO and Personal Assistant to the Director Corporate Services remained in Council Chambers.

**10.1 TENDER RFT2019-002 MOBILE AERATED FLOOR SYSTEM**

**REFERENCE: D2019/15333**

This item is recommended to be confidential because it contains legal advice.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.

**RECOMMENDATION [Meeting re-opened to the public]**

That the meeting be re-opened, the public be invited to return to the meeting and the resolutions passed behind closed doors be recorded.

**COUNCIL RESOLUTION**

MOVED CR JOHNSON                      SECONDED CR PALMER

THAT THE MEETING BE RE-OPENED, THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RESOLUTIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**

The doors of the meeting were re-opened at 6:24pm and members of the public returned to the Council Chambers.



*Item 10 continued*

Recording of the resolutions passed behind closed doors, namely:

## **10.1 TENDER RFT2019-002 MOBILE AERATED FLOOR SYSTEM**

**REFERENCE: D2019/15333**

### **COUNCIL RESOLUTION(S)**

MOVED CR WILSON

SECONDED CR MYKYTIUK

THAT:

1. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH R.10 OF THE *LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996*, REVOKE THE PREVIOUS COUNCIL RESOLUTION TO AWARD TENDER RFT2019-002 – DESIGN, SUPPLY, INSTALL AND MAINTAIN A MOBILE AERATED FLOOR SYSTEM TO SPARTEL PTY LTD.
2. COUNCIL IN ACCORDANCE WITH R. 18(5) OF THE *LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996*, DECLINE TO ACCEPT ANY TENDER UNDER RFT 2019-002.
3. COUNCIL REAFFIRMS ITS COMMITMENT TO THE DELIVERY OF AN INTERIM FOGO PROCESSING FACILITY AT THE RED HILL WASTE MANAGEMENT FACILITY AND NOTES THAT THE CEO, ACTING UNDER DELEGATED AUTHORITY AND IN ACCORDANCE WITH THE PREVIOUS RESOLUTIONS AND THE EMRC FOGO STRATEGY, WILL RECOMMENCE A TENDER PROCESS.
4. THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO.

**CARRIED UNANIMOUSLY**

## **11 FUTURE MEETINGS OF COUNCIL**

The next Ordinary meeting of Council will be held on **Thursday, 5 December 2019** at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

### **Future Meetings 2019**

Thursday                      5 December                      at                      EMRC Administration Office  
January 2020 (recess)

## **12 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the meeting was closed at 6:24pm.