



MINUTES

Special Meeting of Council

4 November 2019

SPECIAL MEETING OF COUNCIL

MINUTES

4 November 2019

(REF: D2019/14657)

A Special Meeting of Council was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Monday, 4 November 2019**. The meeting commenced at **6:30pm**.

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chief Executive Officer (CEO) declared the meeting open at 6:30pm, congratulated and welcomed Councillors and 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

Councillor Attendance

| | | |
|------------------------------------------------------|--------------------|--------------------|
| Cr Kathryn Hamilton | EMRC Member | Town of Bassendean |
| Cr Jai Wilson | EMRC Member | Town of Bassendean |
| Cr Giorgia Johnson | EMRC Member | City of Bayswater |
| Cr Filomena Piffaretti (Deputising for Cr Clarke) | EMRC Deputy Member | City of Bayswater |
| Cr Janet Powell | EMRC Member | City of Belmont |
| Cr Steve Wolff | EMRC Member | City of Belmont |
| Cr Lesley Boyd | EMRC Member | City of Kalamunda |
| Cr Dylan O'Connor | EMRC Member | City of Kalamunda |
| Cr John Daw | EMRC Member | Shire of Mundaring |
| Cr Doug Jeans | EMRC Member | Shire of Mundaring |
| Cr Mel Congerton | EMRC Member | City of Swan |
| Cr Charlie Zannino | EMRC Member | City of Swan |

Apologies

| | | |
|-----------------|-------------|-------------------|
| Cr Lorna Clarke | EMRC Member | City of Bayswater |
|-----------------|-------------|-------------------|

EMRC Council Deputies

| | | |
|----------------|--------------------|--------------------|
| Cr Phil Marks | EMRC Deputy Member | City of Belmont |
| Cr Amy Collins | EMRC Deputy Member | Shire of Mundaring |
| Cr Ian Johnson | EMRC Deputy Member | City of Swan |

EMRC Officers

| | |
|-------------------------|-------------------------------------------------------------|
| Mr Marcus Geisler | Chief Executive Officer |
| Mr Hua Jer Liew | Director Corporate Services |
| Mr Stephen Fitzpatrick | Director Waste Services |
| Mrs Wendy Harris | Director Regional Services |
| Mr David Ameduri | Manager Financial 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) |

EMRC Observers

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

Observers

| | | |
|------------------|-------------------------|-------------------|
| Mr Brett Jackson | Director Asset Services | City of Kalamunda |
|------------------|-------------------------|-------------------|

3 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

3.1 COUNCILLOR INDUCTION EVENING

The Chief Executive Officer announced that an Induction Evening for Councillors and Deputy Councillors has been organised for Thursday, 14 November 2019 commencing at 6:15pm. The evening will be preceded with an optional tour of the Hazelmere Resource Recovery Park and Red Hill Waste Management Facility, which will depart from the EMRC at 2:40pm.



4. ELECTION OF EMRC CHAIRMAN AND DEPUTY CHAIRMAN

4.1 ELECTION AND SWEARING IN OF EMRC CHAIRMAN

REFERENCE: D2019/14636

PURPOSE OF REPORT

The purpose of this report is to provide for an election to be conducted for the Office of Chairman of the EMRC.

KEY POINTS 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

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; and
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 2019 - 2021

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

| | |
|---------------------|--------------------|
| Cr Kathryn Hamilton | Town of Bassendean |
| Cr Jai Wilson | Town of Bassendean |
| Cr Lorna Clarke | City of Bayswater |
| Cr Giorgia Johnson | City of Bayswater |
| Cr Janet Powell | City of Belmont |
| Cr Steve Wolff | City of Belmont |
| Cr Lesley Boyd | City of Kalamunda |
| Cr Dylan O'Connor | City of Kalamunda |
| Cr John Daw | Shire of Mundaring |
| Cr Doug Jeans | Shire of Mundaring |
| Cr Mel Congerton | City of Swan |
| Cr Charlie Zannino | City of Swan |

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

| | |
|------------------------|--------------------|
| Cr Hilary MacWilliam | Town of Bassendean |
| Cr Filomena Piffaretti | City of Bayswater |
| Cr Phil Marks | City of Belmont |
| Cr Cameron Blair | City of Kalamunda |
| Cr Amy Collins | Shire of Mundaring |
| Cr Ian Johnson | City of Swan |

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 – Good Governance

- 3.3 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 | |
| City of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

1. A blank nomination form for the Office of Chairman, nominate oneself (Ref: D2019/15122)
2. A blank nomination form for the Office of Chairman, nominate another (Ref: D2019/15122)
3. A blank ballot paper for Election of EMRC Chairman (Ref: D2019/15123)
4. A blank form for declaration by Elected Chairman (Ref: D2019/15124)

VOTING REQUIREMENT

Secret Ballot

RECOMMENDATION(S)

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

The Director Corporate Services explained how the proceedings for the election of the EMRC Chairman would be conducted and advised that candidate names would be listed on the ballot paper by the drawing of lots.

The Chief Executive Officer advised that two (2) nominations for the Office of Chairman of the EMRC had been received from Councillors Wilson and O'Connor and called for any further nominations.

No further nominations were received and the Chief Executive Officer closed nominations.

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

Following an invitation from the Chief Executive Officer, Councillors Wilson and O'Connor addressed the Council.

A secret ballot was then conducted for the two (2) nominations received for Councillors Wilson and O'Connor and votes counted by the Director Corporate Services and Manager Procurement and Governance.

The Chief Executive Officer advised there was an equality of votes for the nominations.

The Chief Executive Officer advised there would be an adjournment of 5 minutes as required by the *Local Government Act 1995* and a second secret ballot will be held when the meeting is reconvened.

At 6:48pm the meeting was adjourned for 5 minutes.



Item 4.1 continued

The Chief Executive Officer reconvened the meeting at 6:53pm, and advised that under the legislation, any nomination may be withdrawn and any further nominations made.

The Chief Executive Officer asked for any further nominations. There were no further nominations.

A second secret ballot was then conducted with the two (2) nominations – Councillors Wilson and O'Connor.

Lots were again drawn to determine position on the ballot paper.

The Chief Executive Officer announced there was an equality of votes for the second round.

In accordance with s.5 of Schedule 4.1 of the *Local Government Act 1995*, the Chief Executive Officer drew lots to decide the matter. Names of both candidates were placed in separate spheres. Cr Wilson's name was the first name to be drawn.

ANNOUNCEMENT: OF THE OFFICE OF CHAIRMAN

The Chief Executive Officer declared Cr Wilson as Chairman of the EMRC for the term commencing 4 November 2019 for the next two years.

Cr Wilson came forward and was sworn in by the Chief Executive Officer to the Office of Chairman of the EMRC for the next two (2) years.

The Chief Executive Officer congratulated Cr Wilson and vacated the chair at 7:08pm.

At 7:08pm, Cr Wilson 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
Monday 4 November 2019**

**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
4 November 2019

By _____(Signed)

Before me _____(Signed)



4.2 ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRMAN

REFERENCE: D2019/14637

PURPOSE OF REPORT

The purpose of this report is to provide for an election to be conducted for the Office of Deputy Chairman of the EMRC.

KEY POINTS 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

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; and
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 2019 - 2021

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

| | |
|---------------------|--------------------|
| Cr Kathryn Hamilton | Town of Bassendean |
| Cr Jai Wilson | Town of Bassendean |
| Cr Lorna Clarke | City of Bayswater |
| Cr Giorgia Johnson | City of Bayswater |
| Cr Janet Powell | City of Belmont |
| Cr Steve Wolff | City of Belmont |
| Cr Lesley Boyd | City of Kalamunda |
| Cr Dylan O'Connor | City of Kalamunda |
| Cr John Daw | Shire of Mundaring |
| Cr Doug Jeans | Shire of Mundaring |
| Cr Mel Congerton | City of Swan |
| Cr Charlie Zannino | City of Swan |

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

| | |
|------------------------|--------------------|
| Cr Hilary MacWilliam | Town of Bassendean |
| Cr Filomena Piffaretti | City of Bayswater |
| Cr Phil Marks | City of Belmont |
| Cr Cameron Blair | City of Kalamunda |
| Cr Amy Collins | Shire of Mundaring |
| Cr Ian Johnson | City of Swan |

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 – Good Governance

- 3.3 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 | |
| City of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

1. A blank nomination form for the Office of Deputy Chairman, nominate oneself (Ref: D2019/15125)
2. A blank nomination form for the Office of Deputy Chairman, nominate another (Ref: D2019/15125)
3. A blank ballot paper for Election of EMRC Deputy Chairman (Ref: D2019/15126)
4. A blank form for declaration by Elected Deputy Chairman (Ref: D2019/15127)

VOTING REQUIREMENT

Secret Ballot

RECOMMENDATION(S)

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

The Chairman advised that three (3) nominations for the Office of Deputy Chairman of the EMRC had been received from Councillors O'Connor, Zannino and Jeans, and called for further nominations.

No further nominations were received and the Chairman closed nominations.

The Director Corporate Services explained the procedure for the election of the Deputy Chairman and advised that candidate names would be listed on the ballot paper by the drawing of lots.

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

Following an invitation from the Chairman, Councillors Jeans, O'Connor and Zannino addressed the Council.

A secret ballot was then conducted for the three (3) nominations received and votes counted by the Director Corporate Services and Manager Procurement and Governance.

ANNOUNCEMENT: RESULT OF BALLOT FOR OFFICE OF DEPUTY CHAIRMAN

The Chairman declared Cr Doug Jeans as Deputy Chairman of the EMRC for the term commencing 4 November 2019 until 2021.

Cr Jeans 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
Monday 4 November 2019**

**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
4 November 2019

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: D2019/14638

PURPOSE OF REPORT

The purpose of this report is to appoint members and deputy members to the Chief Executive Officers Advisory Committee (CEOAC).

KEY POINTS 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 each Participant Council and the EMRC be re-appointed to the Chief Executive Officers Advisory Committee.
- 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 Works and Infrastructure |
| City of Belmont | Acting CEO |
| City of Kalamunda | Director Development Services |
| Shire of Mundaring | Acting CEO |
| City of Swan | Acting CEO |
| EMRC | Acting CEO |

SOURCE OF REPORT

Director Corporate Services

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 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 | Ms Peta Mabbs |
| City of Bayswater | Mr Andrew Brien |
| City of Belmont | Mr John Christie |
| City 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 Works and Infrastructure |
| City of Belmont | Acting CEO |
| City 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 19 October 2019.

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 3 – Good Governance

3.3 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 | |
| City 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 Works and Infrastructure |
| City of Belmont | Acting CEO |
| City of Kalamunda | Director Development Services |
| Shire of Mundaring | Acting CEO |
| City of Swan | Acting CEO |
| EMRC | Acting CEO |

An amended recommendation was tabled to accommodate a request from the City of Kalamunda to change its nomination for the Deputy CEOAC Member to the Acting CEO.

AMENDED 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 Works and Infrastructure |
| City of Belmont | Acting CEO |
| City of Kalamunda | Acting CEO |
| Shire of Mundaring | Acting CEO |
| City of Swan | Acting CEO |
| EMRC | Acting CEO |



Item 5.1 continued

COUNCIL RESOLUTION(S)

MOVED CR POWELL

SECONDED CR ZANNINO

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:

PARTICIPANT LOCAL
GOVERNMENT

DEPUTY CEOAC MEMBER (OCCUPANT)

TOWN OF BASSENDEAN

ACTING CEO

CITY OF BAYSWATER

DIRECTOR WORKS AND INFRASTRUCTURE

CITY OF BELMONT

ACTING CEO

CITY OF KALAMUNDA

ACTING CEO

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: D2019/14639

PURPOSE OF REPORT

The purpose of this report is to appoint members to the Chief Executive Officer Performance Review Committee (CEOPRC).

KEY POINTS 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 Councillors 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 |
| City of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

SOURCE OF REPORT

Director Corporate Services

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 19 October 2019.

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 are not appointed to the CEOPRC as it is considered that the continuity of members during the annual performance review of the CEO is important to ensure 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 3 – Good Governance

- 3.3 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 | |
| City 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 Councillors 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 |
| City of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

COUNCIL RESOLUTION(S)

MOVED CR PIFFARETTI

SECONDED CR HAMILTON

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

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

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.3 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE (AC)

REFERENCE: D2019/14640

PURPOSE OF REPORT

The purpose of this report is to appoint members to the Audit Committee (AC).

KEY POINTS 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 Councillors 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 |
| City of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

2. The following Councillors 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 |
| City of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

SOURCE OF REPORT

Director Corporate Services

BACKGROUND

Audit Committee:

Established: 19 May 2005.

Membership: 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, the annual Compliance Audit Return 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 19 October 2019.

Nominations for Councillor members of the AC 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.

Nominations for Deputy Councillor members of the AC will automatically be the other Councillor member of each participant member Council.

In the event that the Committee member is unable to attend a meeting, he or she is to organise with the deputy Committee member from the same participant member Council to attend in his or her place as well as notify the EMRC.

STRATEGIC/POLICY IMPLICATIONS

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

Key Result Area 3 – Good Governance

3.3 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 | |
| City 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 Councillors 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 |
| City of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |

2. The following Councillors 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 |
| City of Kalamunda | Cr |
| Shire of Mundaring | Cr |
| City of Swan | Cr |



Item 5.3 continued

COUNCIL RESOLUTION(S)

MOVED CR CONGERTON SECONDED CR JOHNSON

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

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

| <u>PARTICIPANT LOCAL GOVERNMENT</u> | <u>COUNCIL MEMBER</u> |
|-------------------------------------|-----------------------|
| TOWN OF BASSENDEAN | CR HAMILTON |
| CITY OF BAYSWATER | CR CLARKE |
| CITY OF BELMONT | CR POWELL |
| CITY OF KALAMUNDA | CR BOYD |
| SHIRE OF MUNDARING | CR JEANS |
| CITY OF SWAN | CR CONGERTON |

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

| <u>PARTICIPANT LOCAL GOVERNMENT</u> | <u>DEPUTY COUNCIL MEMBER</u> |
|-------------------------------------|------------------------------|
| TOWN OF BASSENDEAN | CR WILSON |
| CITY OF BAYSWATER | CR JOHNSON |
| CITY OF BELMONT | CR WOLFF |
| CITY OF KALAMUNDA | CR O'CONNOR |
| SHIRE OF MUNDARING | CR DAW |
| CITY OF SWAN | CR ZANNINO |

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.4 APPOINTMENT OF MEMBERS TO THE WASTE ADVISORY COMMITTEE (WAC)

REFERENCE: D2019/14643

PURPOSE OF REPORT

The purpose of this report is to appoint members to the Waste Advisory Committee (WAC).

KEY POINTS 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 comprises one (1) Council member from each member Council and one (1) Principal Officer of each of the EMRC's participant member Councils nominated by the member Council Chief Executive Officer as well as the CEO of the EMRC (non-voting member).

Recommendation(s)

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

1. The following Councillors and officers be appointed to the Waste Advisory Committee:

| Participant Local Government/ EMRC | Councillor Member | Officer Member |
|---------------------------------------|-------------------|-----------------------------------|
| Town of Bassendean | Cr | Executive Manager Infrastructure |
| City of Bayswater | Cr | Director Works and Infrastructure |
| City of Belmont | Cr | Director Infrastructure Services |
| City of Kalamunda | Cr | Director Asset Services |
| Shire of Mundaring | Cr | Director Infrastructure Services |
| City of Swan | Cr | Executive Manager Operations |
| EMRC | | Chief Executive Officer |

2. The following Councillors and officers be appointed as deputy members to the Waste Advisory Committee:

| Participant Local Government | Deputy Councillor Member | Deputy Officer Member |
|------------------------------|--------------------------|---------------------------------------|
| Town of Bassendean | Cr | Waste & Recycling Coordinator |
| City of Bayswater | Cr | Manager Environmental Health Services |
| City of Belmont | Cr | Manager Works |
| City of Kalamunda | Cr | Manager Asset & Waste Operations |
| Shire of Mundaring | Cr | Co-ordinator Waste and Fleet |
| City of Swan | Cr | Manager Fleet & Waste Services |

SOURCE OF REPORT

Director Corporate Services



Item 5.4 continued

BACKGROUND

Waste Advisory Committee:

Established: 21 March 2019

Membership: Membership of the Committee is comprised of one (1) Council member from each member Council and one (1) Principal Officer of each of EMRC's participant member Councils nominated by the member Council Chief Executive Officer and the Chief Executive Officer of the EMRC or nominee (non-voting member).

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

Meetings: The Committee holds regular meetings and preferably immediately prior to the Audit Committee (AC) 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 19 October 2019.

Nominations for Councillor members of the WAC 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.

Nominations for Deputy Councillor members of the WAC Committee will automatically be the other Councillor member of each participant member Council.

In the event that the Committee member is unable to attend a meeting, he or she is to organise with the deputy Committee member from the same participant member Council to attend in his or her place as well as notify the EMRC.

The officers on the WAC are:

Participant Local Government/EMRC

Town of Bassendean

City of Bayswater

City of Belmont

City of Kalamunda

Shire of Mundaring

City of Swan

EMRC

WAC Officer Member

Executive Manager Infrastructure

Director Works and Infrastructure

Director Infrastructure Services

Director Asset Services

Director Infrastructure Services

Executive Manager Operations

Chief Executive Officer (non-voting member)



Item 5.4 continued

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

| <u>Participant Local Government</u> | <u>Deputy Officer Member</u> |
|-------------------------------------|---------------------------------------|
| Town of Bassendean | Waste & Recycling Coordinator |
| City of Bayswater | Manager Environmental Health Services |
| City of Belmont | Manager Works |
| City of Kalamunda | Manager Asset & Waste Operations |
| Shire of Mundaring | Co-ordinator Waste and Fleet |
| City of Swan | Manager Fleet & 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 of officers 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 Waste Advisory Committee.

Key Result Area 3 – Good Governance

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

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil



Item 5.4 continued

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|--------------------|---------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| City 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 Councillors and officers be appointed to the Waste Advisory Committee:

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

- The following Councillors and officers be appointed as deputy members to the Waste Advisory Committee:

| <u>Participant Local Government</u> | <u>Deputy Councillor Member</u> | <u>Deputy Officer Member</u> |
|-------------------------------------|---------------------------------|---------------------------------------|
| Town of Bassendean | Cr | Waste & Recycling Coordinator |
| City of Bayswater | Cr | Manager Environmental Health Services |
| City of Belmont | Cr | Manager Works |
| City of Kalamunda | Cr | Manager Asset & Waste Operations |
| Shire of Mundaring | Cr | Co-ordinator Waste and Fleet |
| City of Swan | Cr | Manager Fleet & Waste Services |



Item 5.4 continued

An amended recommendation was tabled to accommodate the requests from the Town of Bassendean and the City of Bayswater to change their respective Deputy officer members.

The nominees for the Deputy officer members from the Town of Bassendean and the City of Bayswater are Recycling & Waste Coordinator and the Manager Environmental Health respectively.

AMENDED RECOMMENDATION(S)

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

- The following Councillors and officers be appointed to the Waste Advisory Committee:

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

- The following Councillors and officers be appointed as deputy members to the Waste Advisory Committee:

| <u>Participant Local Government</u> | <u>Deputy Councillor Member</u> | <u>Deputy Officer Member</u> |
|-------------------------------------|-------------------------------------|-------------------------------------|
| Town of Bassendean | Cr | Recycling & Waste Coordinator |
| City of Bayswater | Cr | Manager Environmental Health |
| City of Belmont | Cr | Manager Works |
| City of Kalamunda | Cr | Manager Asset & Waste Operations |
| Shire of Mundaring | Cr | Co-ordinator Waste and Fleet |
| City of Swan | Cr | Manager Fleet & Waste Services |



Item 5.4 continued

COUNCIL RESOLUTION(S)

MOVED CR JEANS

SECONDED CR POWELL

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

1. THE FOLLOWING COUNCILLORS AND OFFICERS BE APPOINTED TO THE WASTE ADVISORY COMMITTEE:

| <u>PARTICIPANT LOCAL GOVERNMENT/EMRC</u> | <u>COUNCILLOR MEMBER</u> | <u>OFFICER MEMBER</u> |
|------------------------------------------|--------------------------|----------------------------------|
| TOWN OF BASSENDEAN | CR HAMILTON | EXECUTIVE MANAGER INFRASTRUCTURE |
| CITY OF BAYSWATER | CR JOHNSON | DIRECTOR WORKS & INFRASTRUCTURE |
| CITY OF BELMONT | CR WOLFF | DIRECTOR INFRASTRUCTURE SERVICES |
| CITY OF KALAMUNDA | CR O'CONNOR | DIRECTOR ASSET SERVICES |
| SHIRE OF MUNDARING | CR JEANS | DIRECTOR INFRASTRUCTURE SERVICES |
| CITY OF SWAN | CR CONGERTON | EXECUTIVE MANAGER OPERATIONS |
| EMRC | | CHIEF EXECUTIVE OFFICER |

2. THE FOLLOWING COUNCILLORS AND OFFICERS BE APPOINTED AS DEPUTY MEMBERS TO THE WASTE ADVISORY COMMITTEE:

| <u>PARTICIPANT LOCAL GOVERNMENT</u> | <u>DEPUTY COUNCILLOR MEMBER</u> | <u>DEPUTY OFFICER MEMBER</u> |
|-------------------------------------|---------------------------------|----------------------------------|
| TOWN OF BASSENDEAN | CR WILSON | RECYCLING & WASTE COORDINATOR |
| CITY OF BAYSWATER | CR CLARKE | MANAGER ENVIRONMENTAL HEALTH |
| CITY OF BELMONT | CR POWELL | MANAGER WORKS |
| CITY OF KALAMUNDA | CR BOYD | MANAGER ASSET & WASTE OPERATIONS |
| SHIRE OF MUNDARING | CR DAW | CO-ORDINATOR WASTE & FLEET |
| CITY OF SWAN | CR ZANNINO | MANAGER FLEET & WASTE SERVICES |

CARRIED BY AN ABSOLUTE MAJORITY 12/0



5.5 APPOINTMENT OF MEMBERS TO THE INVESTMENT COMMITTEE (IC)

REFERENCE: D2019/14641

PURPOSE OF REPORT

The purpose of this report is to appoint members to the Investment Committee (IC).

KEY POINTS 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

BACKGROUND

Investment Committee:

| | |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Established: | 21 February 2008 |
| Membership: | 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>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 5.5 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 19 October 2019.

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 of 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 between four (4) members and five (5) members.

Due to the infrequent nature of IC meetings, deputies are not required.

STRATEGIC/POLICY IMPLICATIONS

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

Key Result Area 3 – Good Governance

3.3 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 | |
| City of Kalamunda | |
| Shire of Mundaring | |
| City of Swan | |

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority



Item 5.5 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 PIFFARETTI

SECONDED CR HAMILTON

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE *LOCAL GOVERNMENT ACT 1995*, CRS POWELL, JOHNSON, BOYD, ZANNINO AND WILSON, BE APPOINTED AS MEMBERS TO THE INVESTMENT COMMITTEE.

CARRIED BY AN ABSOLUTE MAJORITY 12/0



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

REFERENCE: D2019/14644

PURPOSE OF REPORT

The purpose of this report is to review the Council's appointment of delegates and deputy delegates to the Municipal Waste Advisory Council (MWAC).

KEY POINTS 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 Chief Executive Officer (CEO) be the Officer Delegate to the Municipal Waste Advisory Council and that the Director Waste Services be the Deputy Officer Delegate to the Municipal Waste Advisory Council.

SOURCE OF REPORT

Director Corporate Services

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 waste management 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 5.6 continued

There is no sitting fee for MWAC members. The MWAC meeting calendar for 2019/2020 is as follows:

| | |
|----------------------------|------------------------------------------------------|
| Wednesday 11 December 2019 | WALGA, One70 – 170 Railway Parade – West Leederville |
| Wednesday 26 February 2020 | WALGA, One70 – 170 Railway Parade – West Leederville |
| Wednesday 29 April 2020 | WALGA, One70 – 170 Railway Parade – West Leederville |
| Wednesday 24 June 2020 | WALGA, One70 – 170 Railway Parade – West Leederville |
| Wednesday 26 August 2020 | WALGA, One70 – 170 Railway Parade – West Leederville |
| Wednesday 28 October 2020 | WALGA, One70 – 170 Railway Parade – West Leederville |
| Wednesday 9 December 2020 | WALGA, One70 – 170 Railway Parade – West Leederville |

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 5.6 continued

MEMBER COUNCIL IMPLICATIONS

| Member Council | Implication Details |
|-----------------------|----------------------------|
| Town of Bassendean | } Nil |
| City of Bayswater | |
| City of Belmont | |
| City 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 Chief Executive Officer (CEO) be the Officer Delegate to the Municipal Waste Advisory Council and that the Director Waste Services be the Deputy Officer Delegate to the Municipal Waste Advisory Council.

COUNCIL RESOLUTION(S)

MOVED CR PIFFARETTI

SECONDED CR CONGERTON

THAT:

1. CR JOHNSON BE THE MEMBER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL AND CR HAMILTON BE THE DEPUTY MEMBER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL.
2. THE CHIEF EXECUTIVE OFFICER (CEO) BE THE OFFICER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL AND THAT THE DIRECTOR WASTE SERVICES 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 2019** at the EMRC Administration Office, 1st Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

Future Meetings 2019

| | | | |
|----------|------------|----|----------------------------|
| Thursday | 5 December | at | EMRC Administration Office |
|----------|------------|----|----------------------------|

Future Meetings 2020

January (recess)

| | | | |
|----------|--------------------------|----|----------------------------|
| Thursday | 20 February | at | EMRC Administration Office |
| Thursday | 19 March | at | EMRC Administration Office |
| Thursday | 23 April (if required) | at | EMRC Administration Office |
| Thursday | 21 May (if required) | at | EMRC Administration Office |
| Thursday | 18 June | at | EMRC Administration Office |
| Thursday | 23 July (if required) | at | EMRC Administration Office |
| Thursday | 20 August (if required) | at | EMRC Administration Office |
| Thursday | 17 September | at | EMRC Administration Office |
| Thursday | 22 October (if required) | at | EMRC Administration Office |
| Thursday | 3 December | at | EMRC Administration Office |

January 2021 (recess)

7 DECLARATION OF CLOSURE OF MEETING

There being no further business, the meeting was closed at 7:35pm.