



**Minutes of the Meeting of the
Southern Metropolitan Regional Council
Ordinary Meeting of Council
Held on Thursday 23rd February 2012
at the City of Melville, 10 Almondbury Road, Booragoon**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman, Cr Tony Romano welcomed Members and declared the meeting open at 5:00pm.

2. RECORD OF ATTENDANCE / APOLOGIES

PRESENT:

Cr Tony Romano (Chairman)		City of Cockburn
Cr Doug Thompson (Deputy Chairman)		City of Fremantle
Cr Richard Smith (from 5:10pm)		City of Rockingham
Cr Sandra Lee		Town of Kwinana
Cr Robert Willis		City of Melville
Cr Cliff Collinson (from 5:10pm)		Town of East Fremantle

Mr Peter McKenzie	(REG member)	Town of Kwinana
Mr John Christie	(REG member)	City of Melville
Mr Peter Pikor	(REG member)	City of Fremantle
Mr Michael Littleton	(REG member)	City of Cockburn
Ms Shelley Cocks	(REG deputy)	Town of East Fremantle

Mr Tim Youé	SMRC, A/Chief Executive Officer
Mr Chris Wiggins	SMRC, Director Corporate Services
Mr Brendan Doherty	SMRC, Director Assets and Operations
Mrs Leanne Downie	SMRC, Minutes

APOLOGIES

Mr Stuart McAll	SMRC, Chief Executive Officer
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OBSERVERS

Nil

3. DISCLOSURE OF INTERESTS

Cr Sandra Lee disclosed a financial interest in Item 11.4 Councillor Development – Company Directors Course.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Mr Rod Pettersen, 8 Noreatt Place, Leeming WA 6149

Due to the number of questions raised the Chairman advised the questions will be taken on notice and a response provided to Mr Pettersen at a time following the meeting. Mr Pettersen advised he would forward the questions to the SMRC office.

6. ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING PERSON

The Chairman extended congratulations to City of Melville Chief Executive Officer, Dr Shayne Silcox, on being awarded the Public Service Medal by the Australian Government for outstanding public service to local government.

A letter of congratulations will be forwarded to Dr Silcox on behalf of the Southern Metropolitan Regional Council.

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL SPECIAL MEETING HELD 21ST NOVEMBER 2011

COUNCIL RESOLUTION

12.02.01 MOVED CR D THOMPSON SECONDED CR S LEE

THAT THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD AT 9 ALDOUS PLACE BOORAGOON BE RECEIVED AS A TRUE AND ACCURATE RECORD.

CARRIED 6/-

8.2 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL MEETING HELD 24TH NOVEMBER 2011

COUNCIL RESOLUTION

12.02.02 MOVED CR R WILLIS SECONDED CR D THOMPSON

THAT THE MINUTES OF THE MEETING OF COUNCIL HELD AT THE RRRRC CANNING VALE ON THE 24TH NOVEMBER 2011 BE RECEIVED AS A TRUE AND ACCURATE RECORD.

CARRIED 6/-

9. ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC

The Chairman advised the meeting that Agenda Item 11.5 SMRC Communications Plan 2012 and Report 11.16 MRF Fire Claim 1 June 2009 – Legal Advice would be dealt with at Item 15 of the Agenda.

COUNCIL RESOLUTION

12.02.03 MOVED CR S LEE SECONDED CR R WILLIS

THAT AGENDA ITEMS 11.5 AND 11.16 BE MOVED TO AGENDA ITEM 15. CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

10. BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil

11. REPORTS OF THE CEO

11.1 TENDER 2010-05 DESIGN & CONSTRUCTION OF MRF & ASSOCIATED BUILDINGS & INFRASTRUCTURE – CONTRACTOR REQUEST FOR RELEASE FROM LIQUIDATED DAMAGES

The A/Chief Executive Officer requested this item be withdrawn pending further information.

11.2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION

12.02.04 MOVED CR D THOMPSON SECONDED CR C COLLINSON

THAT:

- 1) MR TIM YOUE, DIRECTOR OF BUSINESS DEVELOPMENT BE APPOINTED ACTING CHIEF EXECUTIVE OFFICER DURING THE ABSENCE OF THE CHIEF EXECUTIVE OFFICER.**
- 2) THE ACTING CHIEF EXECUTIVE OFFICER BE GIVEN THE SAME FUNCTIONS AND DELEGATED AUTHORITY AS THE CHIEF EXECUTIVE OFFICER.**
- 3) THE POLICY FOR ACTING CHIEF EXECUTIVE OFFICER AS ATTACHED TO REPORT 11.2 DATED 30 JANUARY 2012 BE ADOPTED.**

CARRIED 6/-

11.3 COMMITTEE MEMBER APPOINTMENTS

COUNCIL RESOLUTION

12.02.05 MOVED CR R WILLIS SECONDED CR S LEE

THAT CR CLIFF COLLINSON BE APPOINTED TO THE PUBLIC RELATIONS COMMITTEE & CEO PERFORMANCE REVIEW COMMITTEE FOR A TERM OF TWO YEARS EXPIRING IN NOVEMBER 2013.

CARRIED 6/-

11.4 COUNCILLOR DEVELOPMENT – COMPANY DIRECTORS COURSE

Cr Sandra Lee left the Chamber at 5:11pm.

MOVED CR D THOMPSON SECONDED CR R WILLIS

THAT THE REGIONAL COUNCIL PROVIDE FINANCIAL ASSISTANCE OF UP TO 50% TOWARDS THE COURSE FEE AND 2012/13 ANNUAL MEMBERSHIP FOR CR LEE'S ATTENDANCE IN THE AUSTRALIAN INSTITUTE OF COMPANY DIRECTORS, COMPANY DIRECTORS COURSE.

The Chairman opened the meeting to debate.

Cr Thompson spoke in favour of the resolution and the value of elected members attending the Company Directors Course. He sought to move to defer consideration to allow SMRC officers time to review and adjust existing Policy to allow elected members to attend such courses.

Cr Willis and Cr Smith spoke against the resolution stating that parent Councils are the responsible body for Councillor development and SMRC has budgetary constraints to consider.

COUNCIL AMENDMENT RESOLUTION

12.02.06

MOVED CR D THOMPSON

SECONDED CR C COLLINSON

THAT THE ITEM BE DEFERRED FOR THE A/CHIEF EXECUTIVE OFFICER TO SUBMIT A POLICY REVIEW TO ALLOW REGIONAL COUNCILLORS TO ATTEND TRAINING COURSES WITHIN BUDGETARY CONSTRAINTS

CARRIED 3/2

Cr Sandra Lee returned to the Chamber and the Chairman advised her of the Council resolution.

11.5 SMRC COMMUNICATIONS PLAN 2012

The item to be discussed at Item 15 of the Agenda.

11.6 CHIEF EXECUTIVE OFFICER DELEGATED AUTHORITY 2012

The Director Corporate Services advised the meeting that the Delegated Authority #15 had been amended as requested by the Audit & Risk Committee at their meeting held on 13th February 2012.

COUNCIL RESOLUTION

12.02.07

MOVED CR S LEE

SECONDED CR C COLLINSON

THAT THE FOLLOWING DELEGATIONS OF POWERS AND DUTIES TO THE CHIEF EXECUTIVE OFFICER BE ADOPTED.

- 1) TENDER FOR GOODS AND SERVICES:**
 - a) CALL AND INVITE TENDERS FOR GOODS AND SERVICES WITHIN THE APPROVED BUDGET.**
 - b) TO ACCEPT OR REJECT TENDERS FOR GOODS AND SERVICES WITHIN THE APPROVED BUDGET TO THE VALUE OF \$300,000.**
- 2) DISPOSAL OF REGIONAL COUNCIL ASSETS SURPLUS TO COUNCIL'S REQUIREMENTS UNDER \$20,000 WITHOUT THE NEED TO OBTAIN COUNCIL APPROVAL PRIOR TO DISPOSAL.**
- 3) APPROVAL, AUTHORISATION AND PAYMENT OF ACCOUNTS IN ACCORDANCE WITH COUNCIL'S POLICY ARE DELEGATED TO THE CEO.**
- 4) TO SIGN THE FOLLOWING CERTIFICATES ON BEHALF OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL AND ITS PARTICIPANTS IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE SECURED LENDING FACILITY AGREEMENT WITH THE WA TREASURY CORPORATION FOR THE:**
 - i. REGIONAL RESOURCE RECOVERY CENTRE**
 - ii. SMRC ADMINISTRATION BUILDING**
 - 1. SIGN AS AN AUTHORISED SIGNATORY ALL WA TREASURY CORPORATION LOAN DRAW-DOWN SCHEDULES PURSUANT TO THE SECURED LENDING FACILITY AGREEMENT.**
 - 2. SIGN AS AN AUTHORISED SIGNATORY ALL CERTIFICATIONS OF PARTICIPANTS SHARE'S IN THE SECURED LENDING FACILITY WITH THE WA TREASURY CORPORATION PURSUANT TO THE SECURED LENDING FACILITY AGREEMENT.**
 - 3. TO NOTIFY IN WRITING TO THE WA TREASURY CORPORATION ANY FAILURE BY A PARTICIPANT TO PAY PRINCIPAL OR INTEREST WITHIN THE TIME SPECIFIED PURSUANT TO THE SECURED LENDING FACILITY AGREEMENT.**

- 5) DISPOSAL OF PRODUCTS PROCESSED AT THE RRRRC TO STATE AND LOCAL GOVERNMENTS AND THE PRIVATE SECTOR UP TO \$50,000.
- 6) AUTHORITY TO NEGOTIATE AND ENTER INTO SERVICE AGREEMENTS FOR SMRC SERVICES AND CONSULTANCIES WITHIN THE RANGE OF ADOPTED FEES AND CHARGES.
- 7) TO NEGOTIATE A PERCENTAGE WITHIN THE ADOPTED FEE STRUCTURE FOR ACCEPTING PRE-SORTED RECYCLABLE MATERIAL AT THE RRRRC.
- 8) TO APPROVE MINOR VARIATIONS TO SMRC CONTRACTS UP TO A TOTAL VALUE OF 7% OF THE CONTRACT VALUE, BUT NOT EXCEEDING \$150,000 OR THE APPROVED ANNUAL BUDGET.
- 9) TO SELL GREENHOUSE FRIENDLY OFFSET CREDITS AT THE PREVAILING MARKET PRICE.
- 10) TO SELL COMMODITIES PRODUCED AT THE REGIONAL RESOURCE RECOVERY CENTRE AT THE PREVAILING MARKET PRICE IN ACCORDANCE WITH SECTION 3.58(5)(B) OF THE LOCAL GOVERNMENT ACT 1995.
- 11) TO SELL COMMODITIES PRODUCED AT THE REGIONAL RESOURCE RECOVERY CENTRE THAT DO NOT MEET CONTRACTED MATERIAL SPECIFICATIONS.
- 12) TO AWARD PUBLIC TENDERS FOR THE SALE OF COMMODITIES PRODUCED AT THE REGIONAL RESOURCE RECOVERY CENTRE WITH A TENDER VALUE NOT EXCEEDING \$500,000.
- 13) TO NOMINATE LANDFILLS FOR DIVERTED MSW AND THE LANDFILL MSW AND THE LANDFILL GATE FEE.
- 14) TO APPROVE DIRECTED VARIATIONS TO THE MRF CONTRACT OF TOTAL VALUE UP TO \$585,000.
- 15) EXECUTION OF DOCUMENTS NOT REQUIRING COMMON SEAL

THE AUTHORITY TO SIGN FORMAL DOCUMENTS ON BEHALF OF THE SMRC INCLUDING THE EXECUTION OF DEEDS SUBJECT TO THE FOLLOWING CONDITIONS:

1. RESTRICTED TO DOCUMENTS NOT REQUIRING THE COMMON SEAL OF THE SMRC
2. RESTRICTED TO CONTRACTS WITH A VALUE NOT EXCEEDING THE CEO'S DELEGATED AUTHORITY EXPENDITURE LIMIT (EG \$300,000)
3. RESTRICTED TO AGREEMENTS AND CONTRACTS WITH TERMS NOT EXCEEDING 5 YEARS
4. RESTRICTED TO AGREEMENTS AND CONTRACTS REQUIRING REGIONAL COUNCIL APPROVAL IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT
5. ALL TRANSACTIONS UNDER THIS DELEGATION ARE TO BE RECORDED IN THE DELEGATED AUTHORITY REGISTER

THE DELEGATION INCLUDES FORMAL DOCUMENTATION SUCH AS: CONSULTANCY AGREEMENTS, VARIATIONS TO AGREEMENTS, CONFIDENTIALITY AGREEMENTS MEMORANDUMS OF UNDERSTANDING, ETC.

CARRIED 6/-

COUNCIL RESOLUTION

12.02.12 MOVED CR R WILLIS

SECONDED CR S LEE

THAT THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS UNITS OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE PERIOD ENDED 31 JANUARY 2012 BE RECEIVED.

CARRIED 6/-

11.12 SCHEDULE OF PAYMENTS FOR NOVEMBER, DECEMBER 2011 & JANUARY 2012

COUNCIL RESOLUTION

12.02.13 MOVED CR S LEE

SECONDED CR R SMITH

THAT:

- 1) THE SCHEDULE OF PAYMENTS AS LISTED IN THE ATTACHMENTS, AMOUNTING TO THE MONTH OF NOVEMBER 2011 OF \$1,424,254.75, DECEMBER 2011 OF \$3,543,344.32 & JANUARY 2012 OF \$1,991,761.77 FOR THE MUNICIPAL FUND, BE RECEIVED.**
- 2) THE SCHEDULE OF PAYMENTS, AS PRESENTED, BE INCORPORATED IN THE MINUTES OF THE MEETING.**

CARRIED 6/-

11.13 SMRC CASH INVESTMENT PORTFOLIO

COUNCIL RESOLUTION

12.02.14 MOVED CR S LEE

SECONDED CR R SMITH

THAT THE SMRC CASH INVESTMENT PORTFOLIO AS AT 31 DECEMBER 2011 BE RECEIVED.

CARRIED 6/-

11.14 HALF YEAR 2011-12 BUDGET REVIEW AND AMENDMENTS

The Director Corporate Services answered a question raised by Cr Robert Willis in relation to budgetary requirements once the MRF is operational advising that the Draft Budget for 2012-13 will be presented to Council at the April round of meetings.

COUNCIL RESOLUTION

12.02.15 MOVED CR R WILLIS

SECONDED CR C COLLINSON

THAT THE HALF YEAR 2011/12 BUDGET REVIEW AND BUDGET AMENDMENTS REPORT DATED 3 FEBRUARY 2012 BE ADOPTED.

CARRIED 6/-

11.15 SIX MONTHLY STRATEGIC KPI REPORT

The Director Corporate Services answered questions from Cr Willis relating to the KPI results.

COUNCIL RESOLUTION

12.02.16

MOVED CR D THOMPSON

SECONDED CR R SMITH

THAT THE 2011/12 PERFORMANCE REPORTING RESULTS TO 31 DECEMBER 2011 BE RECEIVED.

CARRIED 6/-

11.16 MRF FIRE CLAIM 1-6-2009 LEGAL ADVICE

This item is to be discussed at Item 15 of the Agenda.

12. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PERSON PRESIDING OR BY DECISION OF MEETING

13.1 POLICY REVIEW – ENVIRONMENTAL POLICY

COUNCIL RESOLUTION

12.02.17

MOVED CR S LEE

SECONDED CR D THOMPSON

THAT THE ENVIRONMENTAL POLICY NO. 5.1 IN THE AGENDA ATTACHMENTS BE ADOPTED.

CARRIED 6/-

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

15. CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

The Chairman reminded Members of their responsibilities under Section 5.93 of the Local Government Act. The Chairman allowed members of the Regional Executive Group to remain in their capacity as officers of Member Councils.

11.5 SMRC COMMUNICATIONS PLAN 2012

MOVED CR R WILLIS

SECONDED CR C COLLINSON

THAT THE REGIONAL COUNCIL ADOPT THE SMRC COMMUNICATIONS PLAN 2012 AS PRESENTED.

COUNCIL AMENDMENT RESOLUTION

12.02.18

MOVED CR D THOMPSON

SECONDED CR R WILLIS

THAT:

- 1) THE REGIONAL COUNCIL NOTES THE PLAN AND KEEPS IT CONFIDENTIAL IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1995 SECTION 5.23 (2); AND**
- 2) THE REGIONAL COUNCIL ADOPTS THE PLAN AND DEVELOPS A COMMUNITY ENGAGEMENT STRATEGY FOR PUBLIC AVAILABILITY**

CARRIED 6/-

11.16 MRF FIRE CLAIM 1 JUNE 2009 – LEGAL ADVICE

COUNCIL RESOLUTION

12.02.19

MOVED CR D THOMPSON

SECONDED CR R SMITH

THAT:

- 1) THE REGIONAL COUNCIL NOTES THE REPORT ON THE CONFIDENTIAL LEGAL ADVICE DATED 14 FEBRUARY;**
- 2) THE REGIONAL COUNCIL CONSIDERS IT UNVIALE TO PURSUE THE MATTER FURTHER; AND**
- 3) RECOGNISING THE INTERESTS THAT MEMBER COUNCILS HAVE IN THIS MATTER, THE ACTING CHIEF EXECUTIVE OFFICER IS REQUESTED TO SEEK THE VIEWS OF MEMBER COUNCIL CHIEF EXECUTIVE OFFICERS AND REPORT BACK TO COUNCIL FOR A FINAL DECISION.**

CARRIED 6/-

16. DECLARATION OF CLOSURE OF MEETING

There being no further business, the Chairman declared the meeting closed at 6:30pm.