



**MINUTES OF THE MEETING OF THE
SOUTHERN METROPOLITAN REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL
HELD ON 27 FEBRUARY 2020
SMRC, 9 ALDOUS PLACE, BOORAGOON**

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 5:00 pm and welcomed those in attendance.

“I respectfully acknowledge the traditional owners of the land on which this meeting/event is taking place today – the Nyungar people of Western Australia and pay our respects to their elders’ past and present”.

2. RECORD OF ATTENDANCE / APOLOGIES

PRESENT

Cr Doug Thompson (Chairman)	City of Fremantle
Cr Steve Kepert (Deputy Chairman)	City of Melville
Cr Cliff Collinson	Town of East Fremantle
Cr Wendy Cooper	City of Kwinana

Mr Gary Tuffin (REG Member)	Town of East Fremantle
Mr Mick McCarthy (REG Member)	City of Melville
Mr Graham Tattersall (REG Member)	City of Fremantle
Ms Maria Cooke (REG Member)	City of Kwinana

Mr Tim Youé	SMRC, Chief Executive Officer
Mr Brendan Doherty	SMRC, Executive Manager Strategic Projects
Mr Chris Wiggins	SMRC, Executive Manager Corporate Services

APOLOGIES

Nil

3. DISCLOSURE OF INTERESTS

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING PERSON

Cr Thompson advised that he will be attending the National Plastics Summit in Canberra – March 2nd as Chair of MWAC and the CEO will attend on behalf of SMRC.

7. PETITIONS / DEPUTATIONS / PRESENTATIONS:

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL ORDINARY MEETING HELD ON 28 NOVEMBER 2019

COUNCIL RESOLUTION

20.02-01 MOVED: CR S KEPERT SECONDED: CR C COLLINSON
THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE CITY OF FREMANTLE, GARDEN ROOM, FREMANTLE OVAL, PARRY STREET FREMANTLE ON 28 NOVEMBER 2019 BE RECEIVED AS A TRUE AND CORRECT RECORD

CARRIED 4/-

8.2 ACTIONS ARISING FROM THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD 28 NOVEMBER 2019

The CEO informed Council that actions are either completed or ongoing.

8.3 MINUTES OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL SPECIAL MEETING HELD ON 12 DECEMBER 2019

COUNCIL RESOLUTION

20.02-02

MOVED: CR S KEPERT

SECONDED: CR C COLLINSON

THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD AT THE SMRC, 9 ALDOUS PLACE BOORAGOON ON 12 DECEMBER 2019 BE RECEIVED AS A TRUE AND CORRECT RECORD

CARRIED 4/-

8.4 ACTIONS ARISING FROM THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD 12 DECEMBER 2019

The CEO informed Council that actions are either completed or ongoing.

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

15.1 Tender for Waste to Energy

15.2 Material Recovery Facility

10. BUSINESS NOT DEALT WITH FROM PREVIOUS MEETING

Nil

11. REPORTS OF THE CEO

11.1 CORPORATE POLICY REVIEW

COUNCIL RESOLUTION

20.02-03

MOVED CR S KEPERT

SECONDED: CR C COLLINSON

THAT THE AUDIT & RISK COMMITTEE RECOMMENDATION BE ADOPTED:

1. INTERNAL AUDIT CHARTER POLICY NO 4.4

THAT THE CEO RECOMMENDATION BE ADOPTED:

2. CEO PERFORMANCE REVIEW POLICY NO 1.10

3. PUBLIC QUESTION TIME POLICY NO 1.13

4. RRRC PROJECT COMMITTEE POLICY NO 1.14

5. RECORD KEEPING POLICY NO 4.6

6. ACTING CHIEF EXECUTIVE OFFICER POLICY NO 4.7

7. MEDIA STATEMENTS POLICY NO 1.7

CARRIED 4/-

11.2 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN FOR 2019

COUNCIL RESOLUTION

20.02-04

MOVED: CR S KEPERT

SECONDED: CR C COLLINSON

THAT THE AUDIT & RISK COMMITTEE RECOMMENDATION BE ADOPTED:

- 1. THAT THE LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN FOR THE PERIOD 1 JANUARY 2019 TO 31 DECEMBER 2019 BE ADOPTED AND FORWARDED TO THE DEPARTMENT OF LOCAL GOVERNMENT FOLLOWING CERTIFICATION BY THE CHAIRMAN AND THE CHIEF EXECUTIVE OFFICER.**
- 2. THE COMMENTS AND ACTIONS RELATING TO NON-COMPLIANCE BE FOWARDED TO THE DEPARTMENT OF LOCAL GOVERNMENT.**

CARRIED 4/-

11.3 CEO DELEGATED AUTHORITIES 2020

The CEO tabled an amendment to Delegated Authorities no 6 and 14. Members discussed the purpose of the delegations and agreed with the amended CEO recommendation.

COUNCIL RESOLUTION

20.02-05

MOVED: CR S KEPERT

SECONDED: CR C COLLINSON

THAT THE CEO RECOMMENDATION BE ADOPTED:

1. THAT THE FOLLOWING DELEGATIONS OF POWERS AND DUTIES TO THE CHIEF EXECUTIVE OFFICER FOR THE 2020 CALENDAR YEAR 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 AS FOLLOWS:

- a) BELOW \$100,000 WRITTEN DOWN BOOK VALUE WITHOUT THE NEED TO OBTAIN COUNCIL APPROVAL PRIOR TO DISPOSAL.**
- b) BETWEEN \$100,001 AND \$500,000 WRITTEN DOWN BOOK VALUE IN CONSULTATION WITH THE CHAIR OR IN ABSENCE OF THE CHAIR, THE DEPUTY CHAIR WITHOUT THE NEED TO OBTAIN COUNCIL APPROVAL PRIOR TO DISPOSAL.**

3) APPROVAL, AUTHORISATION AND PAYMENT OF ACCOUNTS IN ACCORDANCE WITH COUNCIL'S POLICY.

4) 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:

- a) REGIONAL RESOURCE RECOVERY CENTRE & SMRC ADMINISTRATION BUILDING.
 - i. SIGN AS AN AUTHORISED SIGNATORY ALL WA TREASURY CORPORATION LOAN DRAW-DOWN SCHEDULES PURSUANT TO THE SECURED LENDING FACILITY AGREEMENT.**
 - ii. 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.
iii. 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 RRRC 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 WITH A TOTAL VALUE NOT EXCEEDING \$10,000,000 AND THREE YEARS AND IN CONSULTATION WITH THE CHAIR.
- 7) NEGOTIATE A PERCENTAGE WITHIN THE ADOPTED FEE STRUCTURE FOR ACCEPTING PRESORTED RECYCLABLE MATERIAL AT THE RRRC.
- 8) 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) SELL CARBON OFFSET CREDITS AT THE PREVAILING MARKET PRICE.
- 10) 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) SELL COMMODITIES PRODUCED AT THE REGIONAL RESOURCE RECOVERY CENTRE THAT DO NOT MEET CONTRACTED MATERIAL SPECIFICATIONS.
- 12) AWARD PUBLIC TENDERS FOR THE SALE OF COMMODITIES PRODUCED AT THE REGIONAL RESOURCE RECOVERY CENTRE WITH A TENDER VALUE NOT EXCEEDING \$1,000,000.
- 13) TO NEGOTIATE AN AGREED FINANCIAL CONTRIBUTION FEE WITH PARTICIPANTS WHERE ANY WASTE IS DIVERTED FROM THE RRRC.
- 14) SIGN DOCUMENTS ON BEHALF OF THE REGIONAL COUNCIL 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 FOR PROCUREMENT EXPENDITURE LIMIT (EG \$300,000), WITH THE EXECEPTION OF THE APPROVAL REFERRED TO DA NO 6.
 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 REGISTERTHE DELEGATION INCLUDES FORMAL DOCUMENTATION SUCH AS: CONSULTANCY AGREEMENTS, VARIATIONS TO AGREEMENTS, CONFIDENTIALITY AGREEMENTS, MEMORANDUMS OF UNDERSTANDING, ETC.
- 15) POWER TO ACT ON BEHALF OF THE COUNCIL TO RESOLVE THE MATTER AT A MEDIATION CONFERENCE WITH REFERENCE TO THE CONFIDENTIAL REPORT DATED 15 NOVEMBER 2019 AND IN CONSULTATION WITH THE CHAIR.

16) TO ENTER INTO A CONTRACT WITH CLEANAWAY FOR THE RECEIVAL AND PROCESSING OF RECYCLING MATERIAL, WITH CONSULTATION WITH THE CHAIR

2. THAT THE FOLLOWING DELEGATIONS OF POWERS AND DUTIES TO THE CEO PERFORMANCE REVIEW COMMITTEE BE ADOPTED:

1) THE CEO PERFORMANCE REVIEW COMMITTEE BE GIVEN DELEGATED AUTHORITY TO APPOINT A HUMAN RESOURCES CONSULTANT WITHIN BUDGET PROVISIONS TO ASSIST IN THE CEO'S EMPLOYMENT APPRAISAL FOR 2019.

CARRIED BY ABSOLUTE MAJORITY 4/-

11.4 MID YEAR 2019-20 BUDGET REVIEW

The CEO provided members with the key changes reported in the budget revision, these being additional revenue and expenditure attributed to recycling.

COUNCIL RESOLUTION

20.02-06 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

THAT THE CEO RECOMMENDATION BE ADOPTED:

THAT THE MID YEAR 2019/20 BUDGET REVIEW AND BUDGET AMENDMENTS REPORT DATED 20 FEBRAURY 2020 BE ADOPTED.

CARRIED BY ABSOLUTE MAJORITY 4/-

11.5 FINANCIAL REPORTS

COUNCIL RESOLUTION

20.02-07 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

THE REGIONAL COUNCIL RECEIVE THE REPORT

1. THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS UNITS OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE PERIOD ENDED 31 JANUARY 2020 BE RECEIVED.

2. THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS UNITS OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE PERIOD ENDED 31 DECEMBER 2019 BE RECEIVED.

3. THE STATEMENT OF FINANCIAL ACTIVITY BY BUSINESS UNITS OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE PERIOD ENDED 30 NOVEMBER 2019 BE RECEIVED.

4. THE SMRC CASH INVESTMENT PORTFOLIO AS AT 31 JANUARY 2020 BE RECEIVED.

CARRIED 4/-

11.6 SCHEDULE OF PAYMENTS

COUNCIL RESOLUTION

20.02-08 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

THAT THE CEO RECOMMENDATION BE ADOPTED:

1. THE SCHEDULE OF PAYMENTS AS LISTED IN THE ATTACHMENTS, FOR THE MONTH OF NOVEMBER 2019 \$2,460,023.31 AND DECEMBER 2019 \$2,065,795.44 AND JANUARY 2020 \$1,630,967.60 FOR THE MUNICIPAL FUND, BE RECEIVED;
2. THE SCHEDULE OF PAYMENTS, AS PRESENTED, BE INCORPORATED IN THE MINUTES OF THE MEETING.

CARRIED 4/-

11.7 STRATEGIC DIRECTIONS 2020

The Chair thanked everyone for participating in the recent workshop and noted that the actions are to be circulated to members for feedback or endorsement. The CEO advised that he would be available to address elected member briefings if required.

COUNCIL RESOLUTION

20.02-09 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

1. THE ACTIONS FROM THE STRATEGIC DIRECTIONS WORKSHOP ON 13 FEBRUARY 2020 BE ADOPTED AND FORWARDED TO THE PARTICIPANTS FOR COMMENT AND/OR ENDORSEMENT.
2. A PROGRESS REPORT BE PROVIDED TO THE APRIL 2020 COUNCIL MEETING.

CARRIED 4/-

11.8 NATIONAL PLASTICS SUMMIT

The Chair announced that he was invited as chair of Municipal Waste Association Council (MWAC) and Mr Youè has been invited as CEO of SMRC to attend the summit organised by the Federal Government.

COUNCIL RESOLUTION

20.02-10 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

THAT THE CEO RECOMMENDATION BE ADOPTED:

1. THE COUNCIL ENDORSES THE CEO'S ATTENDANCE TO THE NATIONAL PLASTICS SUMMIT IN CANBERRA 2 MARCH 2020.

CARRIED 4/-

12. ELECTED MEMBER 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.

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 Chair announced that the meeting would now be closed to the public to discuss confidential matters.

COUNCIL RESOLUTION

20.02-11 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

THAT THE MEETING GO BEHIND CLOSED DOORS TO DISCUSS CONFIDENTIAL ITEM 15.1 AND 15.2 IN ACCORDANCE WITH SECTION 5.23(2)(D) MATTERS DEALING WITH LEGAL ADVICE AND SECTION 5.23(2)(C) MATTERS DEALING WITH CONTRACTS.

CARRIED 4/-

15.1 T2017-06 RECEIVE AND PROCESS RESIDUAL WASTE FOR WASTE TO ENERGY

COUNCIL RESOLUTION

20.02-12 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

THAT THE CEO RECOMMENDATION BE ADOPTED:

THAT WITH RESPECT TO RFP T2017-06 THE PROVISION OF WASTE-TO-ENERGY SERVICES:

1) THE CEO BE GRANTED DELEGATED AUTHORITY TO ENTER INTO A CONTRACT WITH AVERTAS ENERGY IN CONSULTATION WITH THE CHAIR;

2) THE CEO HAS DELEGATED AUTHORITY TO NEGOTIATE APPROPRIATE VARIATIONS TO THE CONTRACT; AND

3) ANY CONTRACT ENTERED INTO BE SUBJECT TO ENDORSEMENT BY THE PARTICIPATING MEMBER COUNCILS.

CARRIED BY ABSOLUTE MAJORITY 4/-

15.2 MATERIAL RECOVERY FACILITY

COUNCIL RESOLUTION

20.02-13 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

CEO RECOMMENDATION

THAT THE CONFIDENTIAL REPORT OF THE CEO BE RECEIVED.

CARRIED 4/-

COUNCIL RESOLUTION

20.02-14 MOVED: CR S KEPERT SECONDED: CR C COLLINSON

THAT THE MEETING NO LONGER BE HELD BEHIND CLOSED DOORS.

CARRIED 4/-

16. DECLARATION OF CLOSURE OF MEETING

There being no further business, The Chair thanked those present for their attendance and the meeting was declared closed at 5:34 pm.

I hereby certify that the Minutes of the Council Meeting held on 27 February 2020 were confirmed on 30 April 2020.

Cr Doug Thompson
Presiding Member


Signature