



**MINUTES OF A SPECIAL MEETING OF THE
SOUTHERN METROPOLITAN REGIONAL COUNCIL
HELD AT THE SMRC BOARDROOM
9 ALDOUS PLACE, BOORAGOON
ON THURSDAY 16 DECEMBER 2010**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman welcomed members and declared the meeting open at 4:36pm.

2. RECORD OF ATTENDANCE/APOLOGIES

Cr Tony Romano (Chairman)	City of Cockburn
Cr Richard Smith (Deputy Chairman)	City of Rockingham
Cr Richard Olson	Town of East Fremantle
Cr Doug Thompson	City of Fremantle
Cr Sandra Lee	Town of Kwinana
Cr Clive Robartson	City of Melville

In Attendance

Mr Michael Littleton	City of Cockburn
Mr Peter McKenzie	Town of Kwinana
Mr John Christie	City of Melville
Mr Marten Tieleman	City of Melville
Mr Stuart McAll	SMRC, CEO
Mr Chris Wiggins	SMRC, Manager Admin & Finance (Minutes)
Mr Brendan Doherty	SMRC, Manager Engineering Services
Mr Chuck Ellis	SMRC, Manager Communications
Mr Tim Youe	SMRC, Manager Business Development
Mr Mike Pennington	SMRC, RRRC Operations Manager

Apologies

Nil

3. DISCLOSURES OF INTEREST

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. ANNOUNCEMENTS OF THE PRESIDING MEMBER

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

9. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

10.4 CEO EMPLOYMENT CONTRACT

10. REPORTS OF THE CEO

10.1 – ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2010.

COUNCIL RESOLUTION

SM10.12-01 MOVED: CR SMITH

SECONDED: CR LEE

THE ANNUAL REPORT FOR THE SOUTHERN METROPOLITAN REGIONAL COUNCIL FOR THE YEAR 2009-2010 BE ACCEPTED

CARRIED 6/0

10.2 – CONTRACT FOR TRANSPORT AND DISPOSAL OF RESIDUAL WASTE - 2010-02.

MOVED: CR THOMPSON

SECONDED: CR ROBERTSON

- 1) THAT THE CEO BE AUTHORISED TO ENTER INTO A DEED OF SETTLEMENT WITH PERTH ENGINEERING & MAINTENANCE TO END THE CONTRACT FOR THE TRANSPORT AND DISPOSAL OF RESIDUAL WASTES.
- 2) THAT SEPARATE TENDERS BE INVITED FOR THE DISPOSAL OF RESIDUAL WASTES AND FOR THE TRANSPORT OF RESIDUAL WASTES.

Members discussed the two alternative CEO recommendations and the CEO responded to the questions raised by members.

AMENDMENT TO THE MOTION

SM10.12-02 MOVED: CR SMITH

SECONDED: CR LEE

- 1) THAT ITEM 1 OF THE MOTION BE AMENDED TO INCLUDE "THE CEO WITH CONSULTATION WITH THE CHAIRMAN".

CARRIED 6/0

COUNCIL RESOLUTION

SM10.12-03 MOVED: CR THOMPSON

SECONDED: CR ROBERTSON

- 1) THAT THE CEO WITH CONSULTATION WITH THE CHAIRMAN BE AUTHORISED TO ENTER INTO A DEED OF SETTLEMENT WITH PERTH ENGINEERING & MAINTENANCE TO END THE CONTRACT FOR THE TRANSPORT AND DISPOSAL OF RESIDUAL WASTES.
- 2) THAT SEPARATE TENDERS BE INVITED FOR THE DISPOSAL OF RESIDUAL WASTES AND FOR THE TRANSPORT OF RESIDUAL WASTES.

CARRIED 6/0

10.3 – AMENDED FINANCIAL BUSINESS PLANS FOR EACH PROJECT RESULTING FROM THE WITHDRAWAL OF A PROJECT PARTICIPANT.

The Manager Administration & Finance provided a summary of the CEO's recommendations in the report and responded to questions raised by members.

COUNCIL RESOLUTION

SM10.12-04 MOVED: CR LEE

SECONDED: CR ROBARTSON

- 1) THAT THE CONFIDENTIAL AMENDED FINANCIAL BUSINESS PLANS AND NOTIONAL WINDING UP REPORT DATED 1 DECEMBER 2010 FOR THE PURPOSES OF THE WITHDRAWAL OF THE CITY OF CANNING BE RECEIVED AND A COPY BE PROVIDED TO THE SMRC'S PARTICIPANTS AND THE CITY OF CANNING.**
- 2) THAT THE CONTINUING PROJECT PARTICIPANTS FOR THE OFFICE ACCOMMODATION PROJECT BE REQUESTED TO CONFIRM THEIR CONSENT THAT THE CITY OF CANNING'S NOTICE TO WITHDRAW FROM THE OFFICE ACCOMMODATION PROJECT EFFECTIVE FROM 30 JUNE 2010 BE ACCEPTED IN ACCORDANCE WITH CLAUSE 8.11(b) OF THE ESTABLISHMENT AGREEMENT OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL.**
- 3) THAT SUBJECT TO THE CONTINUING PARTICIPANTS CONFIRMING CONSENT THAT THE CITY OF CANNING'S NOTICE TO WITHDRAW FROM THE OFFICE ACCOMMODATION PROJECT WAS EFFECTIVE FROM 30 JUNE 2010. THE SOUTHERN METROPOLITAN REGIONAL COUNCIL CONSENT THAT THE CITY OF CANNING BE RETIRED FROM LOAN OBLIGATIONS IN ACCORDANCE WITH THE \$2 MILLION SECURED LENDING FACILITY BETWEEN THE WESTERN AUSTRALIAN TREASURY CORPORATION, PARTICIPANTS AND THE SOUTHERN METROPOLITAN REGIONAL COUNCIL.**
- 4) THAT THE CONTINUING PROJECT PARTICIPANTS FOR THE OFFICE ACCOMMODATION PROJECT BE REQUESTED TO CONFIRM THEIR CONSENT THAT THE CITY OF CANNING'S NOTICE TO WITHDRAW FROM THE OFFICE ACCOMMODATION PROJECT EFFECTIVE FROM 30 JUNE 2010 INCLUDE ITS RETIREMENT FROM LOAN OBLIGATIONS IN ACCORDANCE WITH THE \$2 MILLION SECURED LENDING FACILITY BETWEEN THE WESTERN AUSTRALIAN TREASURY CORPORATION, PARTICIPANTS AND THE SOUTHERN METROPOLITAN REGIONAL COUNCIL**
- 5) THAT THE CONTINUING PROJECT PARTICIPANTS FOR THE REGIONAL COMMUNITY GREENHOUSE GASES PROJECT BE REQUESTED TO CONFIRM THEIR CONSENT THAT THE CITY OF CANNING'S NOTICE TO WITHDRAW FROM THE REGIONAL COMMUNITY GREENHOUSE GASES PROJECT EFFECTIVE FROM 30 JUNE 2010 BE ACCEPTED IN ACCORDANCE WITH CLAUSE 8.11(b) OF THE ESTABLISHMENT AGREEMENT OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL.**
- 6) THAT THE CITY OF CANNING BE ADVISED OF THE AMOUNT IT OWES TO THE SMRC PURSUANT TO ITS OBLIGATION UNDER THE AGREEMENTS TO MEET ALL COSTS ASSOCIATED WITH THE AMENDED BUSINESS PLANS PREPARATION.**
- 7) THAT THE CITY OF CANNING BE ADVISED OF ITS OBLIGATION TO CONTINUE TO PAY THE SMRC THE QUARTERLY CONTRIBUTIONS FOR OUTSTANDING BORROWINGS AS AT 30 JUNE 2010 IN ACCORDANCE WITH CLAUSE 2.3 OF THE REGIONAL RESOURCE RECOVERY CENTRE PROJECT PARTICIPANTS' AGREEMENT UNTIL THE BORROWINGS HAVE BEEN FULLY REPAID OR SATISFIED OR BY ALTERNATIVE ARRANGEMENTS AGREED BY THE CONTINUING PARTICIPANTS AND SMRC.**
- 8) THAT THE CITY OF CANNING BE ADVISED OF ITS OBLIGATION TO PAY AN ONGOING CONTRIBUTION FOR THE FINANCIAL YEARS 2010/11 AND 2011/12 PURSUANT TO CLAUSE 2.7(10) OF THE REGIONAL COMMUNITY GREENHOUSE GASES PROJECT.**

CARRIED 6/0

10.4 – CHIEF EXECUTIVE OFFICER EMPLOYMENT CONTRACT.

To be discussed behind closed doors at item 13 of the agenda

10.5 – PROPOSED WAREHOUSE LEASE 9 ALDOUS PLACE BOORAGOON.

The Manager Administration & Finance advised no public submissions were received.

COUNCIL RESOLUTION

SM10.12-05 MOVED: CR SMITH SECONDED: CR OLSON

1. THAT FOLLOWING THE ADVERTISEMENT PERIOD FOR PUBLIC SUBMISSIONS IN ACCORDANCE WITH SECTION 3.58 OF THE LOCAL GOVERNMENT ACT 1995 THE SMRC WAREHOUSE AT THE REAR OF THE OFFICES AT 9 ALDOUS PLACE, BOORAGOON BE LEASED ON THE FOLLOWING BASIS;
 - a. LEASED AS STORAGE ONLY TO AUSCOR CORROSION MANAGEMENT PTY LTD OF 5 ALDOUS PLACE, BOORAGOON WA 6154.
 - b. RENTAL IS INCLUSIVE OF OUTGOINGS AT \$2,521.97 PER MONTH EX GST (\$127.69 PER M², WAREHOUSE SPACE IS 237 M²) FOR THE TERM OF 12 MONTHS, PLUS A FURTHER 12 MONTHS OPTION WITH A CPI INCREASE.

CARRIED 6/0

10.6 – SMRC DRAFT STRATEGIC PLAN 2010-2015.

SM10.12-06 MOVED: CR SMITH SECONDED: CR THOMPSON

- 1) THAT THE COMMENTS RAISED BY MEMBERS RELATING TO THE DRAFT SMRC STRATEGIC PLAN FOR 2010-2015 AND STRATEGIC KEY PERFORMANCE INDICATORS BE NOTED.
- 2) THAT THE SMRC STRATEGIC PLAN FOR 2010-2015 BE ADOPTED.
- 3) THAT THE SMRC STRATEGIC PERFORMANCE INDICATORS ASSIGNED TO THE STRATEGIC GOALS BE ADOPTED.

CARRIED 6/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13. CONFIDENTIAL MATTERS HELD BEHIND CLOSED DOORS

13.1 REPORT 10.4 – CHIEF EXECUTIVE OFFICER EMPLOYMENT CONTRACT.

SM10.12-07 MOVED: CR SMITH SECONDED: CR LEE

THAT THE MEETING BE HELD BEHIND CLOSED DOORS TO DISCUSS THE CEO'S EMPLOYMENT CONTACT IN ACCORDANCE WITH SECTION 5.23(2)(A) OF THE LOCAL GOVT ACT 1995 AND ONLY THE REGIONAL COUNCILLORS AND CEO REMAIN IN THE MEETING.

CARRIED 6/0

SM10.12-08 MOVED: CR THOMPSON SECONDED: CR SMITH

THAT THE MINUTES OF THE MEETING OF THE CEO PERFORMANCE AND SALARY REVIEW COMMITTEE HELD ON FRIDAY 10 DECEMBER 2010 BE RECEIVED AS A TRUE AND ACCURATE RECORD.

CARRIED 6/0

SM10.12-09 MOVED: CR SMITH

SECONDED: CR ROBERTSON

- 1) THE SOUTHERN METROPOLITAN REGIONAL COUNCIL ENTER INTO A THREE-YEAR EMPLOYMENT CONTRACT WITH THE CHIEF EXECUTIVE OFFICER, MR STUART MCALL, COMMENCING 3RD JULY 2011 AND EXPIRING ON 3RD JULY 2014.
- 2) THAT SUBJECT TO THE PARTIES AGREEING TO A SATISFACTORY EXTENSION OF THE CEO'S EMPLOYMENT CONTRACT THE CHAIRMAN SIGN AND AFFIX THE COMMON SEAL OF THE COUNCIL TO THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT CONTRACT.
- 3) THAT COUNCIL REVIEW THE EFFECTIVENESS OF THE THREE YEAR TERM OF THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT CONTRACT IN JULY 2012.

CARRIED 6/0

SM10.12-10 MOVED: CR SMITH

SECONDED: CR LEE

THAT THE MEETING NO LONGER BE HELD BEHIND CLOSED DOORS.

CARRIED 6/0

14. DECLARATION OF CLOSING OF MEETING

The Chairman declared the meeting closed at 5:45pm.