



**CONFIRMED MINUTES OF THE MEETING OF THE
SOUTHERN METROPOLITAN REGIONAL COUNCIL
SPECIAL MEETING OF COUNCIL
HELD ON MONDAY 19 DECEMBER 2016
AT THE CITY OF KWINANA
CORNER OF GILMOUR AVENUE AND SULPHUR ROAD, KWINANA**

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman Cr Cameron Schuster opened the meeting at 5:11pm and welcomed members and officers and thanked the City of Kwinana for its hospitality. He also acknowledged the traditional owners of the land on which this meeting is taking place today – the Nyungar people of Western Australia and paid our respects to their elders past and present”.

2. RECORD OF ATTENDANCE / APOLOGIES

PRESENT

Cr Cameron Schuster (Chair)	City of Melville
Cr Doug Thompson Deputy Chair	City of Fremantle
Cr Kevin Allen to 5:25pm	City of Cockburn
Cr Wendy Cooper to 5:25pm	City of Kwinana
Cr Michael McPhail	Town of East Fremantle

Mr Charles Sullivan (REG Member) to 5:25pm	City of Cockburn
Mr Stuart Downing (Deputy REG Member) to 5:25pm	City of Cockburn
Mr Graham Tattersall (REG Member)	City of Fremantle
Mr John Christie (REG Member)	City of Melville

Mr Tim Youé	SMRC, Chief Executive Officer
Mr Chris Wiggins	SMRC, Executive Manager Corporate Services

APOLOGIES

Ms Barbara Powell (REG Member)	City of Kwinana
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Mr Wiggins recorded the minutes for the meeting

3. DISCLOSURE OF INTERESTS:

Nil

4. PUBLIC QUESTION TIME:

Nil

5. PETITIONS / DEPUTATIONS / PRESENTATIONS:

Nil

6. ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING PERSON:

Nil

7. ELECTED MEMBER MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

7.1 MOTION WITH NOTICE - COMMERCIAL INFORMATION ON RECYCLABLES PROCESSING

Cr Schuster gave his reasons for the motion which is associated with the CEO report item 9.3 RRRR Business Marketing Plan 2017.

The SMRC intends to formally submit tender responses on commercial terms directly or indirectly (by joint tendering with waste collection companies) to local governments, at least including the Cities of Cockburn and Kwinana (which I believe intend to tender for recyclables collection and processing in the next 12 months) for processing waste at the RRRR Material Recovery Facility in 2017 and beyond. Any proposed fee structure identified in the RRRR Marketing Plan may disclose commercial information pertinent to these tenders, and place the relevant Regional Councillors and staff in a difficult position.

Councillors and Member staff will be aware that the SMRC recently (in co-operation with a waste collection business) won a tender to process recyclables from the Town of Cottesloe.

The SMRC tender responses must remain confidential and commercial in confidence prior to and during the tender invitation process, and therefore I respectfully request that representatives from the Cities of Cockburn and Kwinana consider disclosing an indirect financial interest relating to these discussions and support the proposed Motion above to allow the CEO to avoid disclosing commercial in confidence information to you, while remaining in compliance with the Local Government Act 1995

COUNCIL RESOLUTION

16.12-01

MOVED: CR SCHUSTER

SECONDED: CR MCPHAIL

BY UNANIMOUS RESOLUTION:

- 1. THE MEMBERS OF THE REGIONAL COUNCIL AND THEIR EMPLOYEES, WHO ARE APPOINTED BY THE PARTICIPANTS, AND WHOSE COUNCILS HAVE OR INTEND TO REQUEST A QUOTATION OR TENDER (IN PART OR WHOLE) FOR PROCESSING RECYCLABLES IN THE NEXT 12 MONTHS AGREE TO DISCLOSE AN INDIRECT FINANCIAL INTEREST PURSUANT TO CLAUSE 3.2 OF THE SMRC'S STANDING ORDERS AMENDMENT LOCAL LAW 2009 AND WILL NOT REMAIN IN A MEETING, PARTICIPATE IN DISCUSSION, VOTE OR RECEIVE REPORTS ON ANY MATTER RELATING TO THE RRRR BUSINESS MARKETING PLAN 2017; AND,**
- 2. FURTHER THE SMRC CHIEF EXECUTIVE OFFICER IS REQUESTED TO OBTAIN FROM MEMBER COUNCILS CONFIRMATION THAT THEY INTEND (OR NOT) TO GO TO TENDER (IN WHOLE OR PART) FOR RECYCLABLES PROCESSING IN THE NEXT 12 MONTHS AND PROVIDE THIS INFORMATION TO REGIONAL COUNCILLORS AND REG MEMBERS.**

CARRIED 5/-

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

CEO REPORTS 9.1, 9.2 AND 9.3

9. REPORTS OF THE CEO

COUNCIL RESOLUTION

16.12-02

MOVED: CR ALLEN

SECONDED: CR THOMPSON

THAT THE MEETING GO BEHIND CLOSED DOORS TO DISCUSS THE FOLLOWING CONFIDENTIAL ITEMS IN ACCORDANCE WITH SECTION 5.23(2):

- 1. 9.1 TENDER 2016-07 PROVISION OF CONSULTANCY SERVICES – PROJECT MANAGEMENT FOR AN AMENDED BUSINESS PLAN (S5.23(2)(C) ENTERING INTO CONTRACTS)**
- 2. 9.2 WASTE SUPPLY AGREEMENT – CITY OF COCKBURN (S5.23(2)(C) ENTERING INTO CONTRACTS)**
- 3. 9.3 RRRR BUSINESS MARKETING PLAN 2017 (S5.23(2)(C) ENTERING INTO CONTRACTS)**

CARRIED 5/-

COUNCIL RESOLUTION

16.12-03

MOVED: CR COOPER

SECONDED: CR THOMPSON

THAT STANDING ORDERS BE SUSPENDED TO DISCUSS ITEM 9.1 & 9.2

CARRIED 5/-

COUNCIL RESOLUTION

16.12-04 MOVED: CR THOMPSON

SECONDED: CR COOPER

THAT STANDING ORDERS BE RESUMED

CARRIED 5/-

9.1 TENDER 2016-07 PROVISION OF CONSULTANCY SERVICES – PROJECT MANAGEMENT FOR AN AMENDED BUSINESS PLAN

COUNCIL RESOLUTION

16.12-05 MOVED: CR MCPHAIL

SECONDED: CR THOMPSON

- 1. THE TENDER EVALUATION PANEL REPORT BE RECEIVED**
- 2. THE REGIONAL COUNCIL AWARDS RSM AUSTRALIA PTY LTD FOR TENDER T2016-07 PROVISION OF CONSULTANCY SERVICES – PROJECT MANAGEMENT FOR AN AMENDED BUSINESS PLAN.**

CARRIED 5/-

9.2 WASTE SUPPLY AGREEMENT – CITY OF COCKBURN

The CEO advised the draft Agreement was being negotiated between the officers and was not ready for council adoption.

COUNCIL RESOLUTION

16.12-06 MOVED: CR ALLEN

SECONDED: CR MCPHAIL

THIS ITEM BE DEFERRED TO THE ORDINARY COUNCIL MEETING SCHEDULED FOR FEBRUARY 2017.

CARRIED 5/-

Cr Cooper and Cr Allen declared an indirect financial interest in accordance with Council Resolution No 16.12-01 and clause 3.2 of the SMRC's Standing Orders in item 9.3 and left the meeting at 5:25pm

Mr Sullivan and Downing also left the meeting at 5:25pm

9.3 RRRR BUSINESS MARKETING PLAN 2017

COUNCIL RESOLUTION

16.12-07 MOVED: CR THOMPSON

SECONDED: CR MCPHAIL

THAT STANDING ORDERS BE SUSPENDED TO DISCUSS ITEM 9.3

CARRIED 3/-

COUNCIL RESOLUTION

16.12-08 MOVED: CR THOMPSON

SECONDED: CR COOPER

THAT STANDING ORDERS BE RESUMED

CARRIED 3/-

COUNCIL RESOLUTION

16.12-09 MOVED CR THOMPSON

SECONDED CR MCPHAIL

- 1. THE RRRR BUSINESS MARKETING PLAN 2017 BE ENDORSED.**

2. THE CEO BE GIVEN DELEGATED AUTHORITY TO PROVIDE COMMERCIAL GATE FEE PRICING TO POTENTIAL CUSTOMERS AS PER TABLE 3.5 IN THE CONFIDENTIAL RRRC BUSINESS MARKETING PLAN 2017.
3. WHERE THE SMRC IS CHOSEN AS A SUCCESSFUL TENDERER, THE CEO BE GIVEN DELEGATED AUTHORITY TO ENTER INTO SUPPLY CONTRACTS WITH SUCCESSFUL CUSTOMERS IN CONSULTATION WITH THE CHAIR.

CARRIED BY ABSOLUTE MAJORITY 3/-

COUNCIL RESOLUTION

16.12-10

MOVED: CR MCPHAIL

SECONDED: CR SCHUSTER

THE MEETING NO LONGER BE HELD BEHIND CLOSED DOORS

CARRIED 3/-

10. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
Nil

11. DECLARATION OF CLOSURE OF MEETING

Cr Schuster advised it was a pleasure to Chair and work with all the Regional Councillors, staff and REG Members in 2016 and looked forward to implementing the SMRC's plan for the future.

He wished everyone involved in the SMRC a wonderful and safe festive season and declared the meeting closed at 6:10pm.

I hereby certify that the Minutes of the Ordinary Council Meeting held on 19 December 2016 were confirmed on 23 February 2017.

(Name).....CAMERON SCHUSTER
Presiding Member

Signature 