



## MINUTES

### CERTIFICATION OF CONFIRMATION OF SPECIAL COUNCIL MEETING MINUTES

9 November 2017

I, Cr David McDonnell, hereby certify that the minutes from the Special Council Meeting held on 9 November 2017 pages (1) to (44) were confirmed at a meeting of Council held on 7 December 2017.

A handwritten signature in blue ink, appearing to read "David McDonnell", is written over a horizontal line.

**Signature**

Cr David McDonnell  
**Person presiding at Meeting**

## SPECIAL MEETING OF COUNCIL

### MINUTES

9 November 2017

(REF: D2017/12195)

An Ordinary Meeting of Council was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 9 November 2017**. The meeting commenced at **6:15pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 6:15pm and congratulated all members on their appointment to the EMRC Council.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

### Councillor Attendance

Cr Melissa Mykytiuk	EMRC Member	Town of Bassendean
Cr Jai Wilson	EMRC Member	Town of Bassendean
Cr Barry McKenna	EMRC Member	City of Bayswater
Cr Sally Palmer	EMRC Member	City of Bayswater
Cr Janet Powell	EMRC Member	City of Belmont
Cr Steve Wolff	EMRC Member	City of Belmont
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr Geoff Stallard	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr David Lavell	EMRC Member	Shire of Mundaring
Cr Adam Kovalevs	EMRC Member	City of Swan
Cr David McDonnell	EMRC Member	City of Swan

### EMRC Council Deputies

Cr Filomena Piffaretti ( <i>from 6:17pm</i> )	EMRC Deputy Member	City of Bayswater
Cr Phil Marks	EMRC Deputy Member	City of Belmont
Cr Cameron Blair	EMRC Deputy Member	City of Kalamunda
Cr Doug Jeans	EMRC Deputy Member	Shire of Mundaring
Cr Ian Johnson	EMRC Deputy Member	City of Swan

### EMRC Officers

Mr Peter Schneider	Chief Executive Officer
Mr Hua Jer Liew	Director Corporate Services
Mr Stephen Fitzpatrick	Director Waste Services
Mrs Wendy Harris	Director Regional Services
Ms Terri-Ann Ashton	Manager Administration and Compliance
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
Mr David Schmidt	Manager Information Services

### Observers

Cr Kathryn Hamilton	Councillor	Town of Bassendean
Cr Catherine Ehrhardt	Councillor	City of Bayswater
Cr Giorgia Johnson	Councillor	City of Bayswater
Cr Robert Rossi	Deputy Mayor	City of Belmont
Cr Kevin Bailey	Deputy Mayor	City of Swan
Mr Andrew Brien	Chief Executive Officer	City of Bayswater
Mr Gerry Pule		



### **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 arranged for Thursday, 23 November 2017 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 3:00pm.

Further details will be emailed on Friday 10 November 2017.



#### **4. ELECTION OF EMRC CHAIRMAN AND DEPUTY CHAIRMAN**

##### **4.1 ELECTION AND SWEARING IN OF EMRC CHAIRMAN**

**REFERENCE: D2017/12229**

#### **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 ISSUES 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 2017 - 2019**

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

Cr Melissa Mykytiuk	Town of Bassendean
Cr Jai Wilson	Town of Bassendean
Cr Barry McKenna	City of Bayswater
Cr Sally Palmer	City of Bayswater
Cr Janet Powell	City of Belmont
Cr Steve Wolff	City of Belmont
Cr Dylan O'Connor	City of Kalamunda
Cr Geoff Stallard	City of Kalamunda
Cr John Daw	Shire of Mundaring
Cr David Lavell	Shire of Mundaring
Cr Adam Kovalevs	City of Swan
Cr David McDonnell	City of Swan

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

Cr Bob Brown	Town of Bassendean
Cr Filomena Piffaretti	City of Bayswater
Cr Phil Marks	City of Belmont
Cr Cameron Blair	City of Kalamunda
Cr Doug Jeans	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**

<b>Member Council</b>	<b>Implication Details</b>
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: D2017/14970)
2. A blank nomination form for the Office of Chairman, nominate another (Ref: D2017/14970)
3. A blank ballot paper for Election of EMRC Chairman (Ref: D2017/14966)
4. A blank form for declaration by Elected Chairman (Ref: D2017/14968)

## **VOTING REQUIREMENT**

Secret Ballot

## **RECOMMENDATION(S)**

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

The Chief Executive Officer explained how the proceedings for the election of the EMRC Chairman and Deputy Chairman would be conducted and advised that candidate names would be listed on the ballot paper by the drawing of lots.

The CEO advised that one (1) nomination for the Office of Chairman of the EMRC had been received from Councillor McDonnell and called for any further nominations.

No further nominations were received and the CEO closed nominations.

Cr Piffaretti entered the meeting at 6:17pm.

## **ANNOUNCEMENT: OF THE OFFICE OF CHAIRMAN**

The CEO declared Cr David McDonnell as Chairman of the EMRC for the term commencing 9 November 2017 until the next local government election in 2019.

Cr McDonnell came forward and was sworn in by the CEO to the Office of Chairman of the EMRC for the next two (2) years.

The CEO congratulated Cr McDonnell and vacated the chair at 6:18pm.

At 6:18pm, Cr McDonnell took the Chair.

Cr McDonnell addressed the Council.



## **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  
Thursday 9 November 2017**

**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, 1<sup>st</sup> Floor,  
226 Great Eastern Highway, Belmont WA 6104 on  
**9 November 2017**

By \_\_\_\_\_(Signed)

Before me \_\_\_\_\_(Signed)



## 4.2 ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRMAN

REFERENCE: D2017/12218

### 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 ISSUES 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 2017 - 2019**

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

Cr Melissa Mykytiuk	Town of Bassendean
Cr Jai Wilson	Town of Bassendean
Cr Barry McKenna	City of Bayswater
Cr Sally Palmer	City of Bayswater
Cr Janet Powell	City of Belmont
Cr Steve Wolff	City of Belmont
Cr Dylan O'Connor	City of Kalamunda
Cr Geoff Stallard	City of Kalamunda
Cr John Daw	Shire of Mundaring
Cr David Lavell	Shire of Mundaring
Cr Adam Kovalevs	City of Swan
Cr David McDonnell	City of Swan

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

Cr Bob Brown	Town of Bassendean
Cr Filomena Piffaretti	City of Bayswater
Cr Phil Marks	City of Belmont
Cr Cameron Blair	City of Kalamunda
Cr Doug Jeans	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**

<b>Member Council</b>	<b>Implication Details</b>
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: D2017/14971)
2. A blank nomination form for the Office of Deputy Chairman, nominate another (Ref: D2017/14971)
3. A blank ballot paper for Election of EMRC Deputy Chairman (Ref: D2017/14967)
4. A blank form for declaration by Elected Deputy Chairman (Ref: D2017/14969)

## **VOTING REQUIREMENT**

Secret Ballot

## **RECOMMENDATION(S)**

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

The Chairman advised that two (2) nominations for the Office of Deputy Chairman of the EMRC had been received from Cr O'Connor and Cr Powell, and called for further nominations.

A further nomination was received from Cr Palmer and the Chairman closed nominations.

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

Following an invitation from the Chairman, Councillors O'Connor, Palmer and Powell addressed the Council.

A secret ballot was then conducted for the three (3) nominations received. Votes were counted by the CEO and Director Corporate Services.

## **ANNOUNCEMENT: RESULT OF BALLOT FOR OFFICE OF DEPUTY CHAIRMAN**

The Chairman declared Cr Dylan O'Connor as Deputy Chairman of the EMRC for the term commencing 9 November 2017 until 2019.

Cr O'Connor 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  
Thursday 9 November 2017**

**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, 1<sup>st</sup> Floor,  
226 Great Eastern Highway, Belmont WA 6104 on  
**9 November 2017**

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: D2017/12221

#### PURPOSE OF REPORT

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

#### KEY ISSUES 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 Technical Services
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	Mr Bob Jarvis
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 Technical Services
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 20 October 2017.

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**

<b>Member Council</b>	<b>Implication Details</b>
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 Technical Services
City of Belmont	Acting CEO
City of Kalamunda	Director Development Services
Shire of Mundaring	Acting CEO
City of Swan	Acting CEO
EMRC	Acting CEO

**COUNCIL RESOLUTION(S)**

MOVED CR DAW

SECONDED CR KOVALEVS

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 TECHNICAL SERVICES
CITY OF BELMONT	ACTING CEO
CITY OF KALAMUNDA	DIRECTOR DEVELOPMENT SERVICES
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: D2017/12223

### PURPOSE OF REPORT

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

### KEY ISSUES 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 20 October 2017.

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 MCKENNA

SECONDED CR STALLARD

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 PALMER
CITY OF BELMONT	CR POWELL
CITY OF KALAMUNDA	CR O'CONNOR
SHIRE OF MUNDARING	CR DAW
CITY OF SWAN	CR MCDONNELL

**CARRIED BY AN ABSOLUTE MAJORITY 12/0**



### 5.3 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE (AC)

REFERENCE: D2017/12224

#### PURPOSE OF REPORT

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

#### KEY ISSUES 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 20 October 2017.

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 POWELL

SECONDED CR DAW

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 MYKYTIUK
CITY OF BAYSWATER	CR PALMER
CITY OF BELMONT	CR POWELL
CITY OF KALAMUNDA	CR STALLARD
SHIRE OF MUNDARING	CR LAVELL
CITY OF SWAN	CR MCDONNELL

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 MCKENNA
CITY OF BELMONT	CR WOLFF
CITY OF KALAMUNDA	CR O'CONNOR
SHIRE OF MUNDARING	CR DAW
CITY OF SWAN	CR KOVALEVS

**CARRIED BY AN ABSOLUTE MAJORITY 12/0**



## 5.4 APPOINTMENT OF MEMBERS TO THE TECHNICAL ADVISORY COMMITTEE (TAC)

REFERENCE: D2017/12225

### PURPOSE OF REPORT

The purpose of this report is to appoint members to the Technical Advisory Committee (TAC).

### KEY ISSUES 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 officers be appointed to the Technical Advisory Committee:

<u>Participant Local Government/EMRC</u>	<u>TAC Member</u>
Town of Bassendean	Director Operational Services
City of Bayswater	Director Technical Services
City of Belmont	Director Technical Services
City of Kalamunda	Director Asset Services
Shire of Mundaring	Director Infrastructure Services
City of Swan	Executive Manager Operations
EMRC	Chief Executive Officer

2. The following officers be appointed as deputy members to the Technical Advisory Committee:

<u>Participant Local Government</u>	<u>Deputy Member</u>
Town of Bassendean	Manager Asset Services
City of Bayswater	Manager Environmental Health Services
City of Belmont	Manager Health & Community Safety
City of Kalamunda	Manager Asset & Waste Operations
Shire of Mundaring	Manager Design Services
City of Swan	Manager Fleet & Waste Services

### SOURCE OF REPORT

Director Corporate Services



*Item 5.4 continued*

## BACKGROUND

Technical Advisory Committee:

Established:	Re-visited 8 December 1994.
Membership:	Membership will be the CEO of the EMRC or nominee and a principal officer of each of the Participant Local Governments nominated by the member Council CEO.  A Deputy member for the TAC member may be nominated by the CEO of each participant local government.
Meetings:	The Committee holds regular meetings usually on a Thursday according to a schedule of meetings adopted by Council.
Terms of Reference:	To give consideration and prepare recommendations to Council in relation to waste management, environment, risk management and other technical matters referred to it from time to time.

## 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 20 October 2017.

The nominations for members of the TAC have been received from member Council Chief Executive Officers as follows:

<u>Participant Local Government/EMRC</u>	<u>Member</u>
Town of Bassendean	Director Operational Services
City of Bayswater	Director Technical Services
City of Belmont	Director Technical Services
City of Kalamunda	Director Asset Services
Shire of Mundaring	Director Infrastructure Services
City of Swan	Executive Manager Operations
EMRC	Chief Executive Officer

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 TAC by the Chief Executive Officer of the relevant participant local government.

<u>Participant Local Government</u>	<u>Deputy Member</u>
Town of Bassendean	Manager Asset Services
City of Bayswater	Manager Environmental Health Services
City of Belmont	Manager Health & Community Safety
City of Kalamunda	Manager Asset & Waste Operations
Shire of Mundaring	Manager Design Services
City of Swan	Manager Fleet & Waste Services



*Item 5.4 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**

Council Policy 2.1 provides for the establishment of the Technical 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

**MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

**ATTACHMENT(S)**

Nil





*Item 5.4 continued*

## 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 officers be appointed to the Technical Advisory Committee:

<u>Participant Local Government/EMRC</u>	<u>TAC Member</u>
Town of Bassendean	Director Operational Services
City of Bayswater	Director Technical Services
City of Belmont	Director Technical Services
City of Kalamunda	Director Asset Services
Shire of Mundaring	Director Infrastructure Services
City of Swan	Executive Manager Operations
EMRC	Chief Executive Officer

2. The following officers be appointed as deputy members to the Technical Advisory Committee:

<u>Participant Local Government</u>	<u>Deputy Member</u>
Town of Bassendean	Manager Asset Services
City of Bayswater	Manager Environmental Health Services
City of Belmont	Manager Health & Community Safety
City of Kalamunda	Manager Asset & Waste Operations
Shire of Mundaring	Manager Design Services
City of Swan	Manager Fleet & Waste Services



*Item 5.4 continued*

**COUNCIL RESOLUTION(S)**

MOVED CR LAVELL

SECONDED CR O'CONNOR

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

1. THE FOLLOWING OFFICERS BE APPOINTED TO THE TECHNICAL ADVISORY COMMITTEE:  

<u>PARTICIPANT LOCAL GOVERNMENT/EMRC</u>	<u>TAC MEMBER</u>
TOWN OF BASSENDEAN	DIRECTOR OPERATIONAL SERVICES
CITY OF BAYSWATER	DIRECTOR TECHNICAL SERVICES
CITY OF BELMONT	DIRECTOR TECHNICAL SERVICES
CITY OF KALAMUNDA	DIRECTOR ASSET SERVICES
SHIRE OF MUNDARING	DIRECTOR INFRASTRUCTURE SERVICES
CITY OF SWAN	EXECUTIVE MANAGER OPERATIONS
EMRC	CHIEF EXECUTIVE OFFICER
  
2. THE FOLLOWING OFFICERS BE APPOINTED AS DEPUTY MEMBERS TO THE TECHNICAL ADVISORY COMMITTEE:  

<u>PARTICIPANT LOCAL GOVERNMENT</u>	<u>DEPUTY MEMBER</u>
TOWN OF BASSENDEAN	MANAGER ASSET SERVICES
CITY OF BAYSWATER	MANAGER ENVIRONMENTAL HEALTH SERVICES
CITY OF BELMONT	MANAGER HEALTH & COMMUNITY SAFETY
CITY OF KALAMUNDA	MANAGER ASSET & WASTE OPERATIONS
SHIRE OF MUNDARING	MANAGER DESIGN SERVICES
CITY OF SWAN	MANAGER FLEET & WASTE SERVICES

**CARRIED BY AN ABSOLUTE MAJORITY 12/0**



## 5.5 APPOINTMENT OF MEMBERS TO THE RESOURCE RECOVERY COMMITTEE (RRC)

REFERENCE: D2017/12226

### PURPOSE OF REPORT

The purpose of this report is to appoint members to the Resource Recovery Committee (RRC).

### KEY ISSUES 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 1 Council member from each participant and the members of the Technical Advisory Committee.

#### 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 Resource Recovery Committee:

<u>Participant Local Government/ EMRC</u>	<u>Councillor Member</u>	<u>Officer Member</u>
Town of Bassendean	Cr.....	Director Operational Services
City of Bayswater	Cr .....	Director Technical Services
City of Belmont	Cr .....	Director Technical 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 Resource Recovery Committee:

<u>Participant Local Government</u>	<u>Deputy Councillor Member</u>	<u>Deputy Officer Member</u>
Town of Bassendean	Cr .....	Manager Asset Services
City of Bayswater	Cr .....	Manager Environmental Health Services
City of Belmont	Cr .....	Manager Health & Community Safety
City of Kalamunda	Cr .....	Manager Asset & Waste Operations
Shire of Mundaring	Cr .....	Manager Design Services
City of Swan	Cr .....	Manager Fleet & Waste Services

### SOURCE OF REPORT

Director Corporate Services



*Item 5.5 continued*

## **BACKGROUND**

Resource Recovery Committee:

Established: 24 February 2000.

Membership: Membership of the Committee is comprised of one (1) Councillor from each member Council and the members of the Technical Advisory Committee (TAC).

The deputy members appointed for TAC will have the same role on the RRC.

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

Meetings: The Committee holds regular meetings and preferably immediately following the TAC 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 20 October 2017.

Nominations for Councillor members of the RRC 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 RRC 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.

In accordance with the RRC Terms of Reference, officer members of the RRC are members of the TAC. The officers on the RRC are:

### Participant Local Government/EMRC

Town of Bassendean  
City of Bayswater  
City of Belmont  
City of Kalamunda  
Shire of Mundaring  
City of Swan  
EMRC

### RRC Officer Member

Director Operational Services  
Director Technical Services  
Director Technical Services  
Director Asset Services  
Director Infrastructure Services  
Executive Manager Operations  
Chief Executive Officer



*Item 5.5 continued*

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

<u>Participant Local Government</u>	<u>Deputy Officer Member</u>
Town of Bassendean	Manager Asset Services
City of Bayswater	Manager Environmental Health Services
City of Belmont	Manager Health & Community Safety
City of Kalamunda	Manager Asset & Waste Operations
Shire of Mundaring	Manager Design Services
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 Resource Recovery 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 5.5 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 Resource Recovery Committee:

<u>Participant Local Government / EMRC</u>	<u>Councillor Member</u>	<u>Officer Member</u>
Town of Bassendean	Cr .....	Director Operational Services
City of Bayswater	Cr .....	Director Technical Services
City of Belmont	Cr .....	Director Technical 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 Resource Recovery Committee:

<u>Participant Local Government</u>	<u>Deputy Councillor Member</u>	<u>Deputy Officer Member</u>
Town of Bassendean	Cr .....	Manager Asset Services
City of Bayswater	Cr .....	Manager Environmental Health Services
City of Belmont	Cr .....	Manager Health & Community Safety
City of Kalamunda	Cr .....	Manager Asset & Waste Operations
Shire of Mundaring	Cr .....	Manager Design Services
City of Swan	Cr .....	Manager Fleet & Waste Services



Item 5.5 continued

**COUNCIL RESOLUTION(S)**

MOVED CR STALLARD                      SECONDED CR DAW

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 RESOURCE RECOVERY COMMITTEE:

<u>PARTICIPANT LOCAL GOVERNMENT/EMRC</u>	<u>COUNCILLOR MEMBER</u>	<u>OFFICER MEMBER</u>
TOWN OF BASSENDEAN	CR MYKYTIUK	DIRECTOR OPERATIONAL SERVICES
CITY OF BAYSWATER	CR MCKENNA	DIRECTOR TECHNICAL SERVICES
CITY OF BELMONT	CR WOLFF	DIRECTOR TECHNICAL SERVICES
CITY OF KALAMUNDA	CR O'CONNOR	DIRECTOR ASSET SERVICES
SHIRE OF MUNDARING	CR LAVELL	DIRECTOR INFRASTRUCTURE SERVICES
CITY OF SWAN	CR KOVALEVS	EXECUTIVE MANAGER OPERATIONS
EMRC		CHIEF EXECUTIVE OFFICER

2. THE FOLLOWING COUNCILLORS AND OFFICERS BE APPOINTED AS DEPUTY MEMBERS TO THE RESOURCE RECOVERY COMMITTEE:

<u>PARTICIPANT LOCAL GOVERNMENT</u>	<u>DEPUTY COUNCILLOR MEMBER</u>	<u>DEPUTY OFFICER MEMBER</u>
TOWN OF BASSENDEAN	CR WILSON	MANAGER ASSET SERVICES
CITY OF BAYSWATER	CR PALMER	MANAGER ENVIRONMENTAL HEALTH SERVICES
CITY OF BELMONT	CR POWELL	MANAGER HEALTH & COMMUNITY SAFETY
CITY OF KALAMUNDA	CR STALLARD	MANAGER ASSET & WASTE OPERATIONS
SHIRE OF MUNDARING	CR DAW	MANAGER DESIGN SERVICES
CITY OF SWAN	CR MCDONNELL	MANAGER FLEET & WASTE SERVICES

**CARRIED BY AN ABSOLUTE MAJORITY 12/0**



## 5.6 APPOINTMENT OF MEMBERS TO THE INVESTMENT COMMITTEE (IC)

REFERENCE: D2017/12227

### PURPOSE OF REPORT

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

### KEY ISSUES 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"><li>• Consider amendment and revision to EMRC Policy 3.3 Management of Investment Policy;</li><li>• Deal with matters referred to the committee, by the Chief Executive Officer (CEO), under Policy 3.3 Management of Investment Policy; and</li><li>• 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.</li></ul>
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 5.6 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 20 October 2017.

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 five (5) members. Prior to that, the IC had four (4) 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**

<b>Member Council</b>	<b>Implication Details</b>
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 5.6 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 WOLFF

SECONDED CR DAW

THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE LOCAL GOVERNMENT ACT 1995, CRS WILSON, MCKENNA, POWELL, STALLARD, LAVELL AND KOVALEVS BE APPOINTED AS MEMBERS TO THE INVESTMENT COMMITTEE.

**CARRIED BY AN ABSOLUTE MAJORITY 12/0**



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

REFERENCE: D2017/12228

### 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 ISSUES 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. Cr .....be the Member Delegate to the Municipal Waste Advisory Council and Cr .....be the Deputy Member Delegate to the Municipal Waste Advisory Council.
2. The Director Waste Services be the Officer Delegate to the Municipal Waste Advisory Council and that the Chief Executive Officer (CEO) 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 5.7 continued*

There is no sitting fee for MWAC members. The MWAC meeting calendar for 2017/2018 is as follows:

Wednesday 13 December 2017	WALGA, One70 – 170 Railway Parade – West Leederville
Wednesday 28 February 2018	WALGA, One70 – 170 Railway Parade – West Leederville
Wednesday 18 April 2018	WALGA, One70 – 170 Railway Parade – West Leederville
Wednesday 27 June 2018	WALGA, One70 – 170 Railway Parade – West Leederville
Wednesday 29 August 2018	WALGA, One70 – 170 Railway Parade – West Leederville
Wednesday 24 October 2018	WALGA, One70 – 170 Railway Parade – West Leederville
Wednesday 12 December 2018	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 5.7 continued

**MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
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. Cr .....be the Member Delegate to the Municipal Waste Advisory Council and Cr .....be the Deputy Member Delegate to the Municipal Waste Advisory Council.
2. The Director Waste Services be the Officer Delegate to the Municipal Waste Advisory Council and that the Chief Executive Officer (CEO) be the Deputy Officer Delegate to the Municipal Waste Advisory Council.

**COUNCIL RESOLUTION(S)**

MOVED CR O'CONNOR

SECONDED CR LAVELL

THAT:

1. CR MCKENNA BE THE MEMBER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL AND CR PALMER BE THE DEPUTY MEMBER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL.
2. THE DIRECTOR WASTE SERVICES BE THE OFFICER DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL AND THAT THE CHIEF EXECUTIVE OFFICER (CEO) 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, 7 December 2017** at the EMRC Administration Office, 1<sup>st</sup> Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

### Future Meetings 2017

Thursday	7 December	at	EMRC Administration Office
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### Future Meetings 2018

January (recess)

Thursday	15 February	at	EMRC Administration Office
Thursday	22 March	at	EMRC Administration Office
Thursday	19 April (if required)	at	EMRC Administration Office
Thursday	24 May (if required)	at	EMRC Administration Office
Thursday	21 June	at	EMRC Administration Office
Thursday	19 July (if required)	at	EMRC Administration Office
Thursday	23 August (if required)	at	EMRC Administration Office
Thursday	20 September	at	EMRC Administration Office
Thursday	18 October (if required)	at	EMRC Administration Office
Thursday	6 December	at	EMRC Administration Office

January 2019 (recess)

## 7 DECLARATION OF CLOSURE OF MEETING

The Manager Administration and Compliance distributed Primary Return documents to new EMRC Councillors.

There being no further business, the meeting was closed at 6:50pm.