



INFORMATION BULLETIN

Accompanying the
Ordinary Meeting of Council Agenda

18 June 2020

COUNCIL INFORMATION BULLETIN

18 JUNE 2020

(REF: D2020/10146)

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1.1 REGISTER OF COUNCIL RESOLUTIONS 2020

REFERENCE: D2020/09591

PURPOSE OF REPORT

The purpose of this report is to present to Council a list of Council resolutions for the calendar year and update Council on their progress.

KEY POINT(S)

- Historical review of Council's decisions throughout a calendar year.
- Enable current and new Councillors to review previous decisions made.

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

One of the characteristics often associated with transparency in local government is to keep Council and members of the public informed. This can be achieved by providing knowledge regarding Council resolutions in a useful manner and readily accessible manner. As a local government, the EMRC will actively seek methods to do its business in a transparent and accountable manner where everyone can see what is happening.

With this in mind, the EMRC seeks to build the faith of its stakeholders and build trust with those we serve in the community.

REPORT

The attachment provides a list of Council resolutions made during the calendar year to improve transparency and accountability. It is intended that the register is reported back to Council at each ordinary meeting of Council going forward.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 - Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

As reported.

SUSTAINABILITY IMPLICATIONS

The implementation of Council's resolutions were exercised in accordance with Council's direction for the benefit and sustainability of the EMRC and Perth's Eastern Region.



Item 1.1 continued

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} As reported
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

Register of Council Resolutions 2020 (D2020/10352)



COUNCIL RESOLUTIONS REGISTER 2020

DATE		RESOLUTIONS	STATUS
1.	21 MAY 2020	<p>9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</p> <p>9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 19 MARCH 2020</p> <p>THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 19 MARCH 2020 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.</p>	NOTED
2.	21 MAY 2020	<p>9.2 MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON 16 APRIL 2020</p> <p>THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 16 APRIL 2020 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED</p>	NOTED
3.	21 MAY 2020	<p>14.1 LIST OF ACCOUNTS PAID DURING THE MONTHS OF FEBRUARY AND MARCH 2020</p> <p>REFERENCE: D2020/06905</p> <p>THAT COUNCIL NOTES THE CEO'S LIST OF ACCOUNTS FOR FEBRUARY AND MARCH 2020 PAID UNDER DELEGATED POWER IN ACCORDANCE WITH REGULATION 13(1) OF THE <i>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</i>, FORMING THE ATTACHMENT TO THIS REPORT TOTALLING \$23,304,284.77.</p>	NOTED
4.	21 MAY 2020	<p>14.2 FINANCIAL REPORT FOR PERIOD ENDED 29 FEBRUARY 2020</p> <p>REFERENCE: D2020/06920</p> <p>THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 29 FEBRUARY 2020.</p>	NOTED
5.	21 MAY 2020	<p>14.3 FINANCIAL REPORT FOR PERIOD ENDED 31 MARCH 2020</p> <p>REFERENCE: D2020/06970</p> <p>THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 31 MARCH 2020.</p>	NOTED

DATE	RESOLUTIONS	STATUS
6. 21 MAY 2020	<p>14.4 MAKING OF THE EASTERN METROPOLITAN REGIONAL COUNCIL WASTE LOCAL LAW 2019</p> <p>REFERENCE: D2020/06921</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. COUNCIL UNDERTAKES TO THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION THAT WITHIN SIX (6) MONTHS, COUNCIL WILL MAKE THE FOLLOWING AMENDMENTS TO THE <i>EASTERN METROPOLITAN REGIONAL COUNCIL WASTE MANAGEMENT FACILITIES LOCAL LAW 2019</i>: <ol style="list-style-type: none"> (a) IN CLAUSE 1.5, DELETE THE DEFINITIONS OF 'COLLECTABLE WASTE RECEPTACLE', 'NON-COLLECTABLE-WASTE' AND 'RECYCLING WASTE'. (b) IN CLAUSE 2.4(3)(B) AND 3.2, REPLACE THE WORDS 'LOCAL GOVERNMENT' WITH 'REGIONAL LOCAL GOVERNMENT.' (c) DELETE SCHEDULE 1. (d) MAKE ALL NECESSARY CONSEQUENTIAL AMENDMENTS. 2. UNTIL THE EASTERN METROPOLITAN REGIONAL COUNCIL WASTE MANAGEMENT FACILITIES LOCAL LAW 2019 IS AMENDED IN ACCORDANCE WITH ITEM 1 ABOVE, COUNCIL UNDERTAKES TO: <ol style="list-style-type: none"> (a) NOT ENFORCE THE <i>EASTERN METROPOLITAN REGIONAL COUNCIL WASTE MANAGEMENT FACILITIES LOCAL LAW 2019</i> IN A MANNER CONTRARY TO THE UNDERTAKING IN ITEM 1 ABOVE. 3. WHERE THE <i>EASTERN METROPOLITAN REGIONAL COUNCIL WASTE MANAGEMENT FACILITIES LOCAL LAW 2019</i> IS MADE PUBLICLY AVAILABLE, WHETHER IN HARD COPY OR ELECTRONIC FORM (INCLUDING COUNCIL'S WEBSITE), ENSURE THAT IT IS ACCOMPANIED BY A COPY OF THESE UNDERTAKINGS. 	ACTIONED
7. 21 MAY 2020	<p>14.5 RFT2019-005 EMRC STRATEGIC REVIEW</p> <p>REFERENCE: D2020/08306</p> <p>THAT COUNCIL NOTES THE BIMONTHLY UPDATE IN RELATION TO RFT2019-005 – EMRC STRATEGIC REVIEW, FORMING THE SUBSTANCE OF THIS REPORT.</p>	NOTED
8. 21 MAY 2020	<p>15 REPORTS OF COMMITTEES</p> <p>15.1 WASTE ADVISORY COMMITTEE MEETING HELD 7 MAY 2020</p> <p>11.1 UPDATE ON DEVELOPMENTS AT RED HILL WASTE MANAGEMENT FACILITY AND HAZELMERE RESOURCE RECOVERY PARK (D2020/07489 (WAC) – D2020/08951)</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. THE REPORT BE RECEIVED. 2. FURTHER REPORTS ARE PROVIDED FOR CONSIDERATION BY THE WASTE ADVISORY COMMITTEE ON THE PROPOSED OPERATING MODELS, REVENUES AND CAPITAL AND; OPERATING EXPENSES FOR THE COMMUNITY RECYCLING CENTRE AND THE WASTE TRANSFER STATION BEFORE ANY CONSTRUCTION IS COMMENCED. 	IN PROGRESS

DATE	RESOLUTIONS	STATUS
9. 21 MAY 2020	<p>11.2 UPDATE ON FOGO PROCESSING IMPLEMENTATION (D2020/05747 (WAC) – D2020/08952)</p> <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. RECEIVES THE REPORT. 2. REFER THE DRAFT TIMELINE FOR TENDER IMPLEMENTATION TO A WORKING GROUP, CONSISTING OF EMRC OFFICERS AND MEMBER COUNCIL'S TECHNICAL OFFICERS. 3. REPORT BACK TO A FUTURE WASTE ADVISORY COMMITTEE MEETING WITH A REVISED TIMELINE. 4. THAT THE SCOPE OF WORKS FOR THE FEASIBILITY STUDY STEMMING FROM THE EMRC COUNCIL MEETING DECISION OF 20 FEBRUARY 2020 IS ENDORSED BY THE WASTE ADVISORY COMMITTEE PRIOR TO COMMENCEMENT. 	IN PROGRESS
10. 21 MAY 2020	<p>11.3 RESOURCE RECOVERY FACILITY UPDATE</p> <p>REFERENCE: D2020/05409 (WAC) – D2020/08955</p> <p>THAT THE REPORT BE RECEIVED.</p>	NOTED
11. 21 MAY 2020	<p>11.4 DRAFT FOGO DISTRIBUTION DEED</p> <p>REFERENCE: D2020/07537 (WAC) – D2020/08956</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. COUNCIL ADOPTS THE DRAFT FOGO DISTRIBUTION DEED WITH THE FOLLOWING CHANGE TO THE DOCUMENT: <ol style="list-style-type: none"> a) THAT THE WORD "SUITABLE" BE INSERTED ON PAGE 4, PARAGRAPH 1, SO THAT IT READS "SUBJECT TO A SUITABLE FOGO FACILITY BEING AVAILABLE..." b) PAGE 3 PARA 2, INSERT AFTER "... THE 2021 CENSUS", "AND/OR IMMEDIATELY PRIOR TO THE IMPLEMENTATION OF EACH RECIPIENT'S FOGO MANAGEMENT SERVICE". c) PAGE 4, PARA 1, INSERT AFTER "... NO LATER THAN" THE DATE SPECIFIED IN THE WASTE AVOIDANCE AND RESOURCE RECOVERY STRATEGY 2030". d) WITH CORRESPONDING CHANGES TO BE MADE TO THE CLEAN VERSION OF THE DRAFT FOGO DISTRIBUTION DEED. 2. THE CEO ARRANGES FOR MEMBER COUNCILS TO EXECUTE THE FOGO DISTRIBUTION DEED IN ORDER TO RECEIVE THE DISTRIBUTION. 	IN PROGRESS
12. 21 MAY 2020	<p>19 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</p> <p>19.1 ITEM 14.1 OF THE WASTE ADVISORY COMMITTEE MINUTES - DRAFT PARTICIPANTS AGREEMENT FOR FOGO SUPPLY (D2020/07543 (WAC) – D2020/08314)</p> <ol style="list-style-type: none"> 1. THAT COUNCIL NOTES THE DRAFT PARTICIPANTS AGREEMENT FOR FOGO SUPPLY. 2. THAT THE REPORT AND ATTACHMENT(S) REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO. 	NOTED

DATE	RESOLUTIONS	STATUS
13. 21 MAY 2020	<p>19.2 ITEM 14.2 OF THE WASTE ADVISORY COMMITTEE MINUTES - PURCHASE OF LOTS 3, 4, 5, 6 and 7 TOODYAY ROAD, RED HILL (D2020/07524 (WAC) – D2020/08315)</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 5.42 OF THE <i>LOCAL GOVERNMENT ACT 1995</i>, AUTHORISE THE CEO IN CONSULTATION WITH THE CHAIRMAN TO NEGOTIATE A FINAL SETTLEMENT WITH LINC PROPERTY UP TO THE VALUE IDENTIFIED IN THIS REPORT FOR THE PURCHASE OF LOTS 3, 4, 5, 6 AND 7 TOODYAY ROAD, RED HILL. 2. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO. 	IN PROGRESS
14. 21 MAY 2020	<p>19.3 ITEM 14.3 OF THE WASTE ADVISORY COMMITTEE MINUTES - UPDATE ON HAZELMERE WOOD WASTE TO ENERGY PROJECT (D2019/10941 (WAC) – D2020/08317)</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. COUNCIL AUTHORISES THE CHIEF EXECUTIVE OFFICER TO ENTER INTO AN AMENDMENT TO THE DEED OF VARIATION WITH ANERGY AUSTRALIA PTY LTD SIGNED IN NOVEMBER 2019 AND NEGOTIATE AND AGREE AMENDMENTS OTHER THAN TO THE MAXIMUM TOTAL AMOUNT OF PAYMENTS SPECIFIED IN SCHEDULE A TO THE DEED OF VARIATION. 2. COUNCIL AUTHORISES A CONTINGENCY ALLOWANCE ON THE COST TO COMPLETION UP TO THE VALUE SPECIFIED IN THE REPORT. 3. THE REPORT AND REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO. 	IN PROGRESS
15. 21 MAY 2020	<p>19.4 ITEM 14.4 OF THE WASTE ADVISORY COMMITTEE MINUTES - REGIONAL WASTE COLLECTION SERVICE UPDATE (D2020/04491 (WAC) - D2020/08318)</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. THE EMRC PROCEEDS WITH AN APPLICATION FOR AN EXEMPTION WITH THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION (ACCC) AND FROM THE WA STATE GOVERNMENT UNDER ITS COMPARABLE LEGISLATION FOR A RULING ON THE PROPOSED REGIONAL WASTE COLLECTION SERVICE. 2. THE EMRC PROCEEDS WITH THE PRE-PLANNING TASKS IDENTIFIED IN CONSULTATION WITH THE MEMBER COUNCILS THROUGH THE REGIONAL WASTE COLLECTION STEERING GROUP. 3. A REPORT AND RECOMMENDATIONS BE TABLED AT A FUTURE MEETING OF COUNCIL. 4. THE ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHIEF EXECUTIVE OFFICER AND THE EMRC CHAIRMAN. 	

DATE	RESOLUTIONS	STATUS
16. 16 APRIL 2020	<p>14 MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</p> <p>14.1 NOTICE OF MOTION FROM CR DAW</p> <p>NOTICE OF ALTERNATE MOTION RECEIVED FROM CR CONGERTON</p> <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. NOT ADJUST THE SECONDARY WASTE RESERVE CHARGE APPLIED TO LANDFILL TONNAGES FROM MEMBER COUNCILS FOR THE 2020/2021 FINANCIAL YEAR. 2. BY ABSOLUTE MAJORITY, THE EMRC DECLARE A DIVIDEND OF \$5M TO BE FUNDED BY \$2.5M FROM MUNICIPAL FUND BASED ON ESTIMATED 2019/2020 OPERATING SURPLUSES, AND IN ACCORDANCE WITH S.6.11(2)(B) OF THE <i>LOCAL GOVERNMENT ACT 1995</i>, A DISTRIBUTION OF \$2.5M FROM THE FUTURE DEVELOPMENT RESERVE. 3. THE DIVIDEND IS PAYABLE TO EACH MEMBER COUNCIL ON OR BEFORE JUNE 30 2020 BASED ON THE COUNCILS SHAREHOLDING AS PER THE LAST AUDITED ACCOUNTS BEING 30 JUNE 2019. 4. CONFIRMS, IN ACCORDANCE WITH R.18(C) OF THE <i>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</i>, THAT THE EMRC IS NOT REQUIRED TO GIVE LOCAL PUBLIC NOTICE OF A PROPOSED CHANGE OF USE OF MONEY IN A RESERVE ACCOUNT DUE THE SATISFACTION OF THE FOLLOWING CONDITIONS: <ol style="list-style-type: none"> a. A DECISION TO CHANGE THE USE OF THE MONEY IS MADE WHILE THERE IS IN FORCE A STATE OF EMERGENCY DECLARATION APPLYING TO THE DISTRICT, OR PART OF THE DISTRICT, OF THE LOCAL GOVERNMENT; b. THE EMRC CONSIDERS THAT THE CHANGE OF USE IS REQUIRED TO ADDRESS A NEED ARISING FROM THE HAZARD, OR FROM THE IMPACT OR CONSEQUENCES OF THE HAZARD, TO WHICH THE STATE OF EMERGENCY DECLARATION RELATES; c. THE DECISION AND THE REASONS FOR IT ARE TO BE RECORDED IN THE MINUTES OF THE MEETING AT WHICH THE DECISION IS MADE. 5. NOTE THE REASON FOR CHANGING THE ORIGINAL RECOMMENDATION IS TO RESPOND TO THE CURRENT GLOBAL COVID-19 PANDEMIC BY PROVIDING FINANCIAL AND ECONOMIC BENEFIT TO MEMBER COUNCILS, THEIR RATEPAYERS AND COMMUNITIES. 	IN PROGRESS
17. 19 MARCH 2020	<p>7 APPLICATIONS FOR LEAVE OF ABSENCE</p> <p>7.1 CR MEL CONGERTON - LEAVE OF ABSENCE</p> <p>THAT COUNCIL APPROVE APPLICATIONS FOR LEAVE OF ABSENCE FOR CR CONGERTON FROM 23 MARCH 2020 TO 27 MARCH 2020 INCLUSIVE.</p>	NOTED
18. 19 MARCH 2020	<p>9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</p> <p>9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 20 FEBRUARY 2020</p> <p>THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 FEBRUARY 2020 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.</p>	NOTED
19. 19 MARCH 2020	<p>14.1 LIST OF ACCOUNTS PAID DURING THE MONTH OF JANUARY 2020 (D2020/04645)</p> <p>THAT COUNCIL NOTES THE CEO'S LIST OF ACCOUNTS FOR JANUARY 2020 PAID UNDER DELEGATED POWER IN ACCORDANCE WITH REGULATION 13(1) OF THE <i>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</i>, FORMING THE ATTACHMENT TO THIS REPORT TOTTALLING \$11,320,209.95.</p>	NOTED
20. 19 MARCH 2020	<p>14.2 FINANCIAL REPORT FOR PERIOD ENDED 31 JANUARY 2020 (D2020/04668)</p> <p>THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2020.</p>	NOTED

	DATE	RESOLUTIONS	STATUS
21.	19 MARCH 2020	<p>14.3 MANAGEMENT OF AGENDAS AND MINUTES (D2020/05037) THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. RECEIVES THE OUTCOME OF THE INVESTIGATION DETAILED IN THIS REPORT. 2. BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 6.8(1)(B) OF THE <i>LOCAL GOVERNMENT ACT 1995</i> AUTHORISES AN EXPENDITURE UP TO THE AMOUNT SPECIFIED IN THIS REPORT FOR THE PROCUREMENT OF AN ELECTRONIC AGENDA, MINUTES AND ATTACHMENTS DISTRIBUTION PLATFORM FROM QUOTE 1. 3. THE IDENTITY OF THE SUCCESSFUL QUOTE AND THE QUOTED AMOUNT BE REDACTED FOR COMMERCIAL REASONS AND REMAIN CONFIDENTIAL UNTIL SUCH TIME THAT THE PROCUREMENT OF THE PRODUCT AND SERVICE HAS BEEN COMPLETED. 	IN PROGRESS
22.	19 MARCH 2020	<p>14.4 AUDIO RECORDING OF COUNCIL AND COMMITTEES (D2020/05029) THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. RECEIVES THE OUTCOME OF THE INVESTIGATION UNDERTAKEN AS DETAILED IN THIS REPORT. 2. IN ACCORDANCE WITH CLAUSE 5.14(2) OF THE <i>EMRC STANDING ORDERS 2013</i> RESOLVES TO AUDIO RECORD ALL COUNCIL MEETINGS THAT ARE OPEN TO THE PUBLIC. 3. RESOLVED THAT RECORDING DOES NOT OCCUR BEHIND CLOSED DOORS. 4. AUTHORISES PUBLIC ACCESS TO AUDIO RECORDINGS OF EACH OF THE COUNCIL MEETINGS THAT ARE OPEN TO THE PUBLIC AND BE PLACED ON THE COUNCIL'S WEBSITE. 5. ADOPTS THE COUNCIL POLICY 2.2 AUDIO RECORDING OF COUNCIL MEETINGS POLICY AS AMENDED AS AT 19 MARCH 2020, FORMING THE ATTACHMENT TO THIS REPORT. 	COMPLETE
23.	19 MARCH 2020	<p>14.5 ITEMS CONTAINED IN THE INFORMATION BULLETIN (D2020/05050) THAT COUNCIL NOTES THE ITEMS CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 20 FEBRUARY 2020 ORDINARY MEETING OF COUNCIL AGENDA.</p>	NOTED
24.	19 MARCH 2020	<p>15.2 WASTE ADVISORY COMMITTEE MEETING HELD 5 MARCH 2020 11.1 REQUEST FOR TENDER 2020-001 EARTHWORKS FOR DEVELOPMENT OF LOTS 8, 9 & 10 (D2020/03984 (WAC) – D202/05263) THAT:</p> <ol style="list-style-type: none"> 1. COUNCIL AWARD TENDER RFT 2020-001 – EARTHWORKS FOR DEVELOPMENT OF LOTS 8, 9 & 10 TO TENDERER B FOR \$2,537,960.85 (EX GST) BASED ON A SCHEDULE OF RATES. 2. THE CEO BE AUTHORISED ON BEHALF OF THE EMRC TO ENTER INTO A CONTRACT WITH TENDERER B IN ACCORDANCE WITH THEIR SUBMITTED TENDER, SUBJECT TO ANY MINOR VARIATIONS THAT MAY BE AGREED ON BETWEEN THE CEO AND TENDERER B. 3. COUNCIL AUTHORISE A 20% CONTINGENCY BASED ON THE TENDERED PRICE SCHEDULE FOR ANY CONTRACT VARIATIONS THAT MAY ARISE FOR TENDER RFT 2020-001. 4. THE IDENTITY OF THE SUCCESSFUL TENDERER AND THE AWARDED AMOUNT BE REDACTED FOR LEGAL REASONS AND REMAIN CONFIDENTIAL UNTIL SUCH TIME THAT THE RESULTANT CONTRACT HAS BEEN FORMED. 	IN PROGRESS

DATE	RESOLUTIONS	STATUS
25. 19 MARCH 2020	<p>11.2 MEMBER COUNCIL REQUIREMENTS FOR BINS AND CADDIES FOR THE IMPLEMENTATION OF FOOD ORGANICS AND GARDEN ORGANICS (FOGO) (D2020/04228 (WAC) – D2020/05271)</p> <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. DECLARES ON THIS DAY 19 MARCH 2020, A DISTRIBUTION TOTTALLING \$13,789,200 FROM THE SECONDARY WASTE RESERVE TO BE DISTRIBUTED TO ALL MEMBERS COUNCIL ON OR BEFORE 30 JUNE 2020. 2. AUTHORISES THE DISTRIBUTION TO THE RESPECTIVE PARTICIPANTS OF THE EMRC: <ol style="list-style-type: none"> a. BE BASED ON \$100 PER HOUSEHOLD; AND b. FOLLOWING THE NEXT CENSUS IN 2021 AN ADJUSTMENT DISTRIBUTION BE MADE BASED ON REVISED NUMBER OF HOUSEHOLDS PER MEMBER COUNCIL. 3. AGREES THE DISTRIBUTION OF FUNDS TO THE RESPECTIVE MEMBER COUNCILS IS TO ASSIST AND SUPPORT THE IMPLEMENTATION OF FOGO RECOVERY PROGRAM INCLUDING THE COST OF BINS, KITCHEN CADDIES AND FIRST YEAR CADDY LINERS IN LINE WITH THE SECONDARY WASTE TREATMENT OF HOUSEHOLD MUNICIPAL WASTE. SHOULD A MEMBER COUNCIL DECIDE NOT TO PROCEED WITH THE FOGO PROGRAM, DISTRIBUTED FUNDS ARE TO BE REFUNDED TO THE SECONDARY WASTE RESERVE. 4. REQUEST AN UPDATED TIMELINE FOR TENDER IMPLEMENTATION OF A PERMANENT FOGO PROCESSING SOLUTION THAT INCLUDES THE TASKS OF PREPARING A FEASIBILITY STUDY AND OBTAINING COUNCIL APPROVAL PRIOR TO TENDERS BEING CALLED. 	IN PROGRESS
26. 19 MARCH 2020	<p>11.3 ITEMS CONTAINED IN THE INFORMATION BULLETIN (D2020/03982)</p> <p>THAT THE WASTE ADVISORY COMMITTEE NOTES THE ITEMS CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 5 MARCH 2020 WASTE ADVISORY COMMITTEE AGENDA.</p>	NOTED
27. 19 MARCH 2020	<p>15.3 AUDIT COMMITTEE MEETING HELD 5 MARCH 2020</p> <p>11.1 HALF YEAR BUDGET REVIEW 2019/2020 (D2020/00413 (AC) – D2020/00413)</p> <p>THAT COUNCIL, BY AN ABSOLUTE MAJORITY IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 R.33A, ADOPTS THE REVIEW OF THE 2019/2020 BUDGET AND APPROVES ITS SUBMISSION TO THE DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES WITHIN 30 DAYS.</p>	ACTIONED
28. 19 MARCH 2020	<p>11.2 COMPLIANCE AUDIT RETURN 2019 (D2020/00414 (AC) – D2020/00414)</p> <p>THAT COUNCIL ADOPTS THE DRAFT COMPLIANCE AUDIT RETURN 2019, FORMING AN ATTACHMENT TO THIS REPORT, THAT IT BE CERTIFIED BY THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER AND SUBMITTED TO THE DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES BY 31 MARCH 2020.</p>	ACTIONED

DATE	RESOLUTIONS	STATUS
29. 19 MARCH 2020	<p>17 MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</p> <p>17.1 NOTICE OF MOTION RECEIVED FROM CR JOHN DAW</p> <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. IN ACCORDANCE WITH S.5.21(4)(B) OF THE <i>LOCAL GOVERNMENT ACT 1995</i>, RESOLVES TO RECORD THE VOTE OF ALL MEMBERS PRESENT ON ALL MATTERS VOTED AT A MEETING OF COUNCIL OR COMMITTEES OF COUNCIL, UNLESS THE VOTE IS CARRIED UNANIMOUSLY OR BY SECRET BALLOT OR OTHERWISE PROHIBITED BY THE <i>LOCAL GOVERNMENT ACT 1995</i> AND ASSOCIATED REGULATIONS. 2. INSTRUCTS THE PRESIDING MEMBER TO CAUSE THE VOTE OR VOTES TO BE RECORDED IN THE MINUTES. 	ACTIONED
30. 19 MARCH 2020	<p>19 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</p> <p>THAT WITH THE EXCEPTION OF THE PERSONAL ASSISTANT TO THE CHIEF EXECUTIVE OFFICER THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) OF THE <i>LOCAL GOVERNMENT ACT 1995</i> FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE</p>	NOTED
31. 19 MARCH 2020	<p>19.1 ITEM 15.1 OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES – SELECTION OF FACILITATOR FOR THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS (D2020/00467 (CEOPRC) – D2020/04781)</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. COUNCIL AWARD THE CONSULTANCY FOR FACILITATING THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW TO DOCTOR JUDE BALM OF INFINITY TRAINING AUSTRALIA. 2. THE REPORT REMAINS CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER. 	ACTIONED
32. 19 MARCH 2020	<p>19.2 ITEM 15.2 OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS FOR 2020 (D2020/01385 (CEOPRC) – D2020/04784)</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. COUNCIL ENDORSE THE TIMETABLE FOR UNDERTAKING THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW PROCESS FOR 2020 AS OUTLINED WITHIN THIS REPORT. 2. THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO. 	ACTIONED
33. 20 FEBRUARY 2020	<p>9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</p> <p>9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 5 DECEMBER 2019</p> <p>THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 5 DECEMBER 2019 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.</p>	NOTED
34. 20 FEBRUARY 2020	<p>9.2 MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON 23 JANUARY 2020</p> <p>THAT THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 23 JANUARY 2020 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.</p>	NOTED
35. 20 FEBRUARY 2020	<p>9.3 MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON 6 FEBRUARY 2020</p> <p>THAT THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 6 FEBRUARY 2020 WHICH HAVE BEEN DISTRIBUTED BE CONFIRMED, SUBJECT TO AMENDMENT OF:</p> <p><i>ITEM 19.1 THE FOLLOWING RESOLUTION IS TO BE ADDED FIRST:</i></p> <p><i>MOVED CR O'CONNOR SECONDED CR BOYD</i></p> <p><i>THAT THE DIRECTOR ASSET SERVICES OF THE CITY OF KALAMUNDA BE ALLOWED TO ADDRESS THE MEETING.</i></p>	NOTED

DATE		RESOLUTIONS	STATUS
36.	20 FEBRUARY 2020	<p>14 REPORTS OF EMPLOYEES</p> <p>14.1 LIST OF ACCOUNTS PAID DURING THE MONTHS OF NOVEMBER AND DECEMBER 2019 (D2019/18490)</p> <p>THAT COUNCIL NOTES THE CEO'S LIST OF ACCOUNTS FOR NOVEMBER AND DECEMBER 2019 PAID UNDER DELEGATED POWER IN ACCORDANCE WITH REGULATION 13(1) OF THE <i>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</i>, FORMING THE ATTACHMENT TO THIS REPORT TOTALLING \$22,623,589.15.</p>	NOTED
37.	20 FEBRUARY 2020	<p>14.2 FINANCIAL REPORT FOR PERIOD ENDED 30 NOVEMBER 2019 (D2019/18491)</p> <p>THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2019.</p>	NOTED
38.	20 FEBRUARY 2020	<p>14.3 FINANCIAL REPORT FOR PERIOD ENDED 31 DECEMBER 2019 (D2019/18491)</p> <p>THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2019.</p>	NOTED
39.	20 FEBRUARY 2020	<p>14.4 REVIEW OF DELEGATED POWERS AND DUTIES (D2019/00720)</p> <p>THAT COUNCIL RE-AFFIRMS THE DELEGATED POWERS AND DUTIES AS LISTED IN THE REPORT.</p>	NOTED
40.	20 FEBRUARY 2020	<p>14.5 LAND ALLOCATION FOR PROPOSED PEPPERCORN LEASE(S) OF A PORTION OF RED HILL WASTE MANAGEMENT FACILITY AND HAZELMERE RESOURCE RECOVERY PARK (D2020/02321)</p> <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. APPROVES IN-PRINCIPLE SUPPORT FOR A PEPPERCORN LEASE OF APPROXIMATELY 0.4 HECTARES OF UNIMPROVED LAND WITHIN LOT 2 TOODYAY ROAD, RED HILL AND LOT 301, LAKES ROAD HAZELMERE FOR THE ESTABLISHMENT OF CDS REFUND POINT AND AGGREGATION POINTS. 2. AUTHORISES THE CEO TO ENTER INTO NEGOTIATIONS WITH A NOT-FOR-PROFIT ORGANISATION(S) THAT HAS BEEN RECOMMENDED BY WARRRL, FOR THE PURPOSE OF OPERATING A CDS REFUND AND AGGREGATION POINT AT EACH OF ABOVE LOCATIONS. 	IN PROGRESS
41.	20 FEBRUARY 2020	<p>14.6 ITEMS CONTAINED IN THE INFORMATION BULLETIN (D2019/02338)</p> <p>THAT COUNCIL NOTES THE ITEMS CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 20 FEBRUARY 2020 ORDINARY MEETING OF COUNCIL AGENDA.</p>	NOTED

DATE	RESOLUTIONS	STATUS
42. 20 FEBRUARY 2020	<p>15 REPORTS OF COMMITTEES</p> <p>15.1 WASTE ADVISORY COMMITTEE MEETING HELD 13 FEBRUARY 2020 (REFER TO MINUTES OF COMMITTEE) (D2020/00688 (WAC) – D2020/01091)</p> <p>THAT COUNCIL ADOPTS THE RECOMMENDATIONS IN THE WASTE ADVISORY COMMITTEE REPORTS (SECTION 15.1).</p>	NOTED
	<p>11 REPORTS OF EMPLOYEES</p> <p>11.1 2019 WASTE AUDIT RESULTS (D2020/00720 (WAC) – D2020/02378)</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. THE REPORT BE RECEIVED. 2. THE RESULTS FROM THE 2019 WASTE AUDIT BE USED IN THE TENDER PROCESS FOR A FOGO PROCESSING FACILITY AND IN THE FOGO MODELLING STUDY. 	NOTED
	<p>11.2 EXPRESSION OF INTEREST – EOI2019-007 EMRC FOOD ORGANICS, GARDEN ORGANICS (FOGO) PROCESSING REFERENCE: D2020/00713 (WAC) – D2020/02381</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. THE FOLLOWING RESPONDENTS TO THE EXPRESSION OF INTEREST ARE LISTED AS ACCEPTABLE TENDERERS: <ol style="list-style-type: none"> a. BARPA PTY LTD; b. HITACHI ZOSEN INOVA AUSTRALIA PTY LTD; c. PINDAN CONTRACTING PTY LTD; d. SACYR ENVIRONMENT AUSTRALIA PTY LTD; AND e. VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD. 2. THE FOLLOWING RESPONDENTS TO THE EXPRESSION OF INTEREST ARE NOT LISTED AS ACCEPTABLE TENDERERS: <ol style="list-style-type: none"> a. AURIGEN GROUP b. BIOGASS RENEWABLES PTY LTD; c. CLEANAWAY PTY LTD; d. FOCUS ENVIRO (EMER PTY LTD) e. RE.GROUP PTY LTD; AND f. SKALA AUSTRALASIA PTY LTD. 3. THE RESPONDENTS TO EXPRESSION OF INTEREST 2019 -007 BE ADVISED OF THE OUTCOME OF THE ASSESSMENT. 4. THAT A FEASIBILITY STUDY IS PREPARED AND ADOPTED BY COUNCIL PRIOR TO TENDERS BEING CALLED. 5. THE ATTACHMENT(S) REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO. 	IN PROGRESS
43. 20 FEBRUARY 2020	<p>17 MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</p> <p>17.1 NOTICE OF MOTION RECEIVED FROM CR FILOMENA PIFFARETTI</p> <p>THAT COUNCIL REQUEST THE CHIEF EXECUTIVE OFFICER INVESTIGATE THE NECESSARY ARRANGEMENTS AND COSTS TO ENABLE AUDIO RECORDINGS OF COUNCIL AND COMMITTEE MEETINGS OPEN TO THE PUBLIC AND THAT THE AUDIO RECORDINGS OF EACH OF THE MEETINGS OPEN TO THE PUBLIC BE PLACED ON THE COUNCIL'S WEBSITE TO ENABLE PUBLIC ACCESS FOR A REPORT TO BE BROUGHT BACK TO COUNCIL AT THE NEXT MEETING OF COUNCIL.</p>	ACTIONED

DATE	RESOLUTIONS	STATUS
44. 6 FEBRUARY 2020	<p>CONFIDENTIAL REPORT</p> <p>15.1 CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS (D2020/01257)</p> <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. APPROVES THE ATTACHED CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS BUSINESS PLAN 2020 FORMING A CONFIDENTIAL ATTACHMENT TO THIS REPORT. 2. BY ABSOLUTE MAJORITY, APPROVES UNBUDGETED EXPENDITURE FROM THE SECONDARY WASTE RESERVE, TO THE MAXIMUM VALUE OF \$3,570,000 EX GST FOR RELEVANT CDS PLANT, EQUIPMENT AND INFRASTRUCTURE. 3. AUTHORISES THE CEO TO ENTER INTO THE REFUND POINT AGREEMENT WITH WARRRL FOR THE NOMINATED REFUND/AGGREGATION POINTS AS OUTLINED IN THE BUSINESS PLAN. 4. AUTHORISES THE CEO TO ENTER INTO ANY LAND USE AGREEMENT(S) AS REQUIRED AS PART OF THE BUSINESS PLAN. 5. THE REPORT AND ATTACHMENT REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND CEO. 	NOTED
45. 23 JANUARY 2020	<p>13 REPORTS OF EMPLOYEES</p> <p>13.1 CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS (D2020/00064)</p> <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. APPROVES THE ATTACHED CONTAINER DEPOSIT SCHEME (CDS) REFUND AND AGGREGATION POINTS BUSINESS PLAN 2020 FORMING A CONFIDENTIAL ATTACHMENT TO THIS REPORT. 2. BY ABSOLUTE MAJORITY, APPROVES UNBUDGETED EXPENDITURE FROM THE SECONDARY WASTE RESERVE, TO THE MAXIMUM VALUE OF \$3,570,000 EX GST FOR RELEVANT CDS PLANT, EQUIPMENT AND INFRASTRUCTURE. 3. AUTHORISES THE CEO TO ENTER INTO THE REFUND POINT AGREEMENT WITH WARRRL FOR THE NOMINATED REFUND/AGGREGATION POINTS AS OUTLINED IN THE BUSINESS PLAN. 4. AUTHORISES THE CEO TO ENTER INTO ANY LAND USE AGREEMENT(S) AS REQUIRED AS PART OF THE BUSINESS PLAN. 5. REQUESTS THAT THE CEO CONTINUES TO EXPLORE OPPORTUNITIES TO DEVELOP FURTHER REFUND AND AGGREGATION POINTS THROUGHOUT THE EMRC REGION, ESPECIALLY IN MEMBER COUNCIL AREAS THAT DO NOT HAVE EMRC CDS REFUND OR AGGREGATION POINTS IN THIS FIRST STAGE OF THE ROLLOUT. <p style="text-align: right;">MOTION LOST 6/6</p>	NOTED



1.2 CEO EXERCISE OF DELEGATED POWERS AND DUTIES

REFERENCE: D2020/10147

PURPOSE OF REPORT

The purpose of this report is to present to Council a list of delegations exercised by the Chief Executive Officer (CEO) in accordance with Council's resolution of 24 March 2016.

KEY POINT(S)

- Council reaffirmed delegations to the CEO and Committees at its meeting of 24 March 2016 and requested a periodic report listing the items approved since the last Ordinary Council meeting.
- The delegations exercised since last reported to Council are detailed within this report.

SOURCE OF REPORT

Chief Executive Officer

BACKGROUND

At the Council meeting held on 24 March 2016 Council conducted its annual review of powers and/or discharge of its duties as delegated to the CEO and Committees, in accordance within s.5.46 of the *Local Government Act 1995*. (Ref: D2016/03708)

As part of that review Council resolved inter alia:

"THAT COUNCIL RECEIVES A REPORT DETAILING THE LIST OF ITEMS APPROVED UNDER DELEGATED AUTHORITY AS THEY ARISE AT THE NEXT ORDINARY MEETING OF COUNCIL."



Item 1.2 continued

REPORT

The following delegated powers or discharge of duties were exercised by the CEO.

Delegation Number	Date of Original Delegation	Description of Delegation	Details of Delegated Powers and Discharge of Duties
C6/2016	23/06/2016	That Council by absolute majority in accordance with section 5.42 of the <i>Local Government Act 1995</i> delegate authority to the Chief Executive Officer to negotiate and enter into contracts for waste disposal related to operations at the Red Hill Waste Management Facility and Hazelmere Resource Recovery Park.	Negotiated an agreement for waste acceptance with a customer on 2 & 4 June 2020 in relation to disposal of Class IV waste at the Red Hill Waste Management Facility (Ref: D2020/10112).
C6/2016	23/06/2016	That Council by absolute majority in accordance with section 5.42 of the <i>Local Government Act 1995</i> delegate authority to the Chief Executive Officer to negotiate and enter into contracts for waste disposal related to operations at the Red Hill Waste Management Facility and Hazelmere Resource Recovery Park.	Negotiated an agreement with a government department body for the disposal of contaminated waste to the Red Hill Waste Management Facility (Ref: D2020/09939).
C3/2017	18/05/2017	Grant the CEO delegated authority to accept quotations from HAAS or its authorised suppliers for the supply of spare parts and periodic equipment repairs of the HAAS timber grinder.	Purchase of spare parts for the HAAS timber grinder on 22/05/2020. (purchase order no's. 50945 & 52097).

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 - Good Governance

3.3 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

As reflected in monthly financial reports.

Item 1.2 continued

SUSTAINABILITY IMPLICATIONS

The delegations exercised were in accordance with Council's resolution for the benefit and sustainability of the EMRC and Perth's Eastern Region.



Item 1.2 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