



CITY OF VINCENT

MINUTES

Special Council Meeting

14 August 2017

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**MINUTES OF CITY OF VINCENT
SPECIAL COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON MONDAY, 14 AUGUST 2017 AT 6.00PM**

PRESENT:	Mayor Emma Cole Cr Roslyn Harley (Deputy Mayor) Cr Matt Buckels Cr Susan Gontaszewski Cr Jonathan Hallett Cr Dan Loden Cr Joshua Topelberg Cr Jimmy Murphy	Presiding Member North Ward North Ward South Ward South Ward North Ward South Ward South Ward
IN ATTENDANCE:	Len Kosova Craig Wilson Emma Simmons Brian Callander Gunther Hoppe	CEO A/Director Technical Services Governance and Council Support Officer CEO Mindarie Regional Council Director Corporate Services – Mindarie Regional Council
Media:	Nil.	
Public:	Nil.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Emma Cole, declared the meeting open at 6.06pm and read the following Acknowledgement of Country statement:

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging”

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

Nil

4 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED**PROCEDURAL MOTION**

At 6.08pm **Moved:** Cr Harley, **Seconded:** Cr Buckels

Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law relating to Standing Orders, the meeting proceeds “behind closed doors” to consider confidential Item 4.1

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

There were no members of the public or media present.

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Roslyn Harley (Deputy Mayor)	North Ward
	Cr Matt Buckels	North Ward
	Cr Susan Gontaszewski	South Ward
	Cr Jonathan Hallett	South Ward
	Cr Dan Loden	North Ward
	Cr Joshua Topelberg	South Ward
	Cr Jimmy Murphy	South Ward
	Len Kosova	CEO
	Emma Simmons	Governance and Council Support Officer
	Craig Wilson	A/Director Technical Services
	Brian Callander	CEO Mindarie Regional Council
	Gunther Hoppe	Director Corporate Services – Mindarie Regional Council

4.1 CONFIDENTIAL REPORT: MRC JOINING THE EASTERN METROPOLITAN REGIONAL COUNCIL RESOURCE RECOVERY FACILITY TENDER

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

Local Government Act 1995 - Section 5.23(2):

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

LEGAL:

2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

COUNCIL DECISION ITEM 4.1

Moved: Cr Loden, Seconded: Cr Topelberg

That Council:

1. **NOTES** the resolution of the Mindarie Regional Council (MRC) from its Special Council Meeting of 18 May 2017, including the nomination of Tenderer A and Tenderer B as the first and second preferred bidders, respectively, for the Waste to Energy Tender;
2. **Subject to 5. below:**
 - (a) **CONSENTS** to the MRC progressing commercial negotiations with the preferred bidders from 1. above, in accordance with the MRC's resolution from its Special Council Meeting of 18 May 2017, in order for the MRC to determine who, if anyone, should be awarded the Waste to Energy Tender; and
 - (b) **AGREES** that for the purposes of clause 5.1(a) of the MRC Constitution (as amended), if the MRC awards the Waste to Energy Tender then the facility offered by the successful tenderer will be regarded as being "such other building or place" for the treatment and/or disposal of waste; subject to the City continuing to be directed by MRC to dispose of its waste at either the RRF in Neerabup or Tamala Park Landfill (rather than the proposed Waste to Energy facility) until or unless otherwise agreed by the City of Vincent Council following finalisation of the City's new waste strategy;
3. **ADVISES** the MRC that:
 - (a) the City of Vincent will be developing a waste strategy in 2017/18 with an aim to increase the City's waste diversion levels through waste management measures higher up the waste hierarchy than landfill and energy recovery;
 - (b) at this stage and until the waste strategy is finalised, it would be premature and prejudicial for the City to commit any of its waste to a Waste to Energy facility; and

- (c) therefore, should the MRC choose to award the Waste to Energy Tender, the City of Vincent will not be committing any of its waste to a Waste to Energy facility at this stage;

4. **ACKNOWLEDGES** the following advice received from the MRC:

- (a) If the MRC awards the Waste to Energy Tender to one of the preferred bidders then the MRC intends to enter into a Waste Supply Agreement (WSA) with the successful tenderer and will request all member councils to enter into a Participant Agreement (PA) with the MRC in order to underwrite the MRC's ability to meet its obligations under the Waste Supply Agreement; and
- (b) The MRC will provide all member councils with the opportunity to review, have input into and endorse the proposed WSA and PA before the MRC makes a decision to award any Tender.

5. **ADVISES** the MRC that relative to 4(b) above and in addition to the matters already outlined by the City's CEO in respect of the original versions of the WSA and PA, the City of Vincent would only be prepared to consider a WSA and PA that:

- (a) Eliminates or significantly mitigates the risk associated with any calorific value trigger contained in the WSA; and
- (b) Enables the City of Vincent to commit some of its waste to the Waste to Energy facility in future, should the City ever wish to do so, on the same terms and conditions as if it chose to commit waste to the facility from the outset and without any interrelated dependency on the waste delivered to the facility by or on behalf of the MRC or other member councils.

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

PROCEDURAL MOTION

7.53pm **Moved:** Cr Harley, **Seconded:** Cr Hallett

That the Council resume an "open meeting".

CARRIED UNANIMOUSLY (8-0)

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Gontaszewski, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

Against: Nil

At 7.53pm Live Streaming resumed and Mayor Emma Cole read out Council's resolutions relating to Item 4.1.

5 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 7.55pm with the following persons present:

- | | | |
|-----------------------|---|---|
| PRESENT: | Mayor Emma Cole
Cr Roslyn Harley (Deputy Mayor)
Cr Matt Buckels
Cr Susan Gontaszewski
Cr Jonathan Hallett
Cr Dan Loden
Cr Joshua Topelberg
Cr Jimmy Murphy | Presiding Member
North Ward
North Ward
South Ward
South Ward
North Ward
South Ward
South Ward |
| IN ATTENDANCE: | Len Kosova
Craig Wilson
Emma Simmons

Brian Callander
Gunther Hoppe | CEO
A/Director Technical Services
Governance and Council Support Officer

CEO Mindarie Regional Council
Director Corporate Services – Mindarie
Regional Council |
| Media: | Nil. | |
| Public: | Nil. | |

These Minutes were confirmed by the Council as a true record and accurate of the Ordinary Meeting of the Council held on 19 September 2017.

Signed: Mayor Emma Cole

Dated this day of2017