



Shire of
Serpentine
Jarrahdale

Public Special Council Meeting

Confirmed Minutes

6.30pm

Wednesday 13 June 2018

- Purpose:**
1. CONFIDENTIAL - Rivers Regional Council – Consideration of Advice Received
 2. CONFIDENTIAL - RFQ 05/2018 Waste Collection Services

In accordance with *Local Government Act 1995*, Section 5.23(2), as item 1 and 2 of this Agenda refers to confidential matters; the items were discussed behind closed doors.

Contact Us

Enquiries

Call: (08) 9526 1111
Fax: (08) 9525 5441
Email: info@sjshire.wa.gov.au

In Person

Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong WA 6123
Open Monday to Friday 8.30am-5pm (closed public holidays)



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The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(1)(e)) and *Council's Standing Orders Local Law 2002 (as amended)* – Part 14, Implementing Decisions. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.



Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Wednesday 13 June 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Cr Rich declared the meeting open at 6.30pm and welcomed Councillors and Staff, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to their Elders past and present.

Minutes

1. Attendances and apologies (including leave of absence):

In Attendance:

Councillors: M Rich Presiding Member
D Atwell
M Byas
R Coales
B Denholm
D Gossage
J See

Officers: Mr K Donohoe Chief Executive Officer
Ms H Sarcich Deputy CEO / Director Community Services
Mr F Sullivan Director Corporate Services
Mr S Harding Director Infrastructure Services
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

Leave of Absence:

Apologies: Councillor K McConkey

Observers:

Members of the Public – Nil

Members of the Press – Nil

Shire Officers – Mrs K Bartley, Manager Corporate Services

2. Public question time:

2.1 Response to previous public questions taken on notice

Nil.

2.2 Public questions

Nil

3. Public statement time:

Nil



4. Petitions and deputations:

Nil

5. Declaration of Councillors and Officers interest:

Nil

6. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:

6.1 Confidential reports

COUNCIL DECISION

Moved Cr Byas, seconded Cr Gossage

That the meeting be closed to members of the public at 6.32pm whilst items SCM010/06/18 and SCM011/06/18 is discussed pursuant to section 5.23(2)(c), (d) and (e) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 7/0

Local Government Act 1995

5.23 Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (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; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

and



- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*



SCM010/06/18 – Confidential - Rivers Regional Council – Consideration of Advice Received	
Author:	Steven Harding – Director Infrastructure
Senior Officer/s:	Kenn Donohoe, Chief Executive Officer
Date of Report:	11 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Absolute Majority

SCM010/06/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council:

- 1. Under regulation 10 of the *Local Government (Administration) Regulations 1996* revokes the decision made by Council at its meeting on 23 April 2018 (OCM039/04/18).**
- 2. Declines to execute the proposed amendments to the Waste Supply Agreement and the Participants Agreement and the Supplemental Deed.**
- 3. Advises Rivers Regional Council of the Shire's wish to enter into discussions aimed at the Shire's withdrawal as a party to the Waste Supply Agreement and the Participants Agreement and as a participant of the Rivers Regional Council.**

CARRIED BY ABSOLUTE MAJORITY 7/0



SCM011/06/18 – Confidential – RFQ 05/2018 Waste Collection Services	
Author:	Steven Harding – Director Infrastructure Services
Senior Officer:	Kenn Donohoe – Chief Executive Officer
Date of Report:	6 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Absolute Majority

SCM011/06/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr Gossage

That Council awards the RFQ 05/2018 Waste Management to the recommended contractor Cleanaway ABN 40 010 754 383, as per Officer’s recommendation and in accordance with their submission SCM011.1/06/18.

CARRIED BY ABSOLUTE MAJORITY 7/0

COUNCIL DECISION

Moved Cr Denholm , seconded Cr Gossage

That the meeting be reopened to the public at 6.34pm.

CARRIED UNANIMOUSLY 7/0

7. Motions of which notice has been given:

Nil

8. Urgent business:

Nil

9. Closure:

There being no further business the Presiding Member declared the meeting closed at 6.35pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 25 June 2018.

.....
Presiding Member

.....
Date