

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF SPECIAL COUNCIL MEETING HELD ON MONDAY, 2 MAY 2005 AT 6:30 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr S McAll	-	Southern Metropolitan Regional Council (Arr.6.46 pm)

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 6.34 pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil



5 (SCM 02/05/2005) - APOLOGIES & LEAVE OF ABSENCE

Clr M Reeve-Fowkes - Apology
Clr L Goncalves - Apology
Clr A Tilbury - Leave of Absence

6 (SCM 02/05/2005) - PUBLIC QUESTION TIME

Mary Jenkins, Spearwood asked a question in relation to the Australian Technical College item on tonight's Agenda.

Q1. If Mayor Lee was interested in a TAFE College in Cockburn, why did he not attend the meeting at Fremantle Sailing Club on Monday, 21 February 2005 at 9.15 am to 12 noon?

Mrs Jenkins said there was a representative from the Australian National and Employment Union to put the case for casual, part-time and unemployment of people's needs, in this State to retrain for a skilled, full time, paid job. She mentioned that at that meeting the Federal Minister, which she believed was Gerry Henderson listened to all the 200 representatives from TAFE Colleges and Councils including Kelmscott, Rockingham, Swan, Midland, Mandurah and many other Councillors put their case to the Minister. Only Logan Howlett was there to put the case for Cockburn. The Minister made it clear that there were only two Federal funding TAFE Colleges in the whole of WA. 35 submissions were made to claim one of these two colleges in WA. It was her opinion that being a safe Labour seat she doubts if Federal funding will be made available to fund a TAFE College in Cockburn.

Mayor Lee in answer to Mrs Jenkins' question was that he did not think that Council was chasing things to make Council look good. He stated that Council would not shy away from such responsibilities and will continue to chase everything it can for the best of the City. It was his view that Cockburn was going to have a TAFE College. \$10M has been allocated on the Budget by the State Labour Government for the construction of a TAFE College in Henderson in the Australian Marine Complex. Council is not satisfied with that. It wants more and Council will pursue for the Federal TAFE College to be built at Cockburn Central or at South Lake.

Colin Crook, Spearwood asked the following questions:

Q1. How much did the advertisement in the Gazette cost – the Notice of the Meeting?

A. The Chief Executive Officer advised that the advertisement was corrupted by the Publisher and the text provided by the City to the Publisher for some reason did not go through the graphics machine and therefore appeared in the Gazette the way it did. The Publisher has apologised and there will be no charge for this advertisement.



Q2. In relation to Item 9.1, as an easy reference for uninformed ratepayers, could you confirm that in February their Council had \$53M invested for a return of about \$2M in interest?

A. The Chief Executive Officer advised that he was unable to confirm the precise number, but around that time around \$55M was invested in cash funds represented by various trust funds provided to the City which the City administers. The average return on those funds was just under 6%.

Q3. What percentage would an extra rate increase of \$2M be?

A. Mayor Lee replied around 10%, may be a little more. He could not categorically say for sure.

Q4. What amount did Council forgo by not increasing the rates this year – say 2% approximately?

A. \$600,000. The funds were managed in such a way to enable Council to introduce the security patrols as a levy.

7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS

Nil

8 (SCM 02/05/2005) - PURPOSE OF MEETING

The purpose of the meeting is for the consideration of:

- (1) The formation of a new Committee of Council being the Strategic Finance and Investment Committee;
- (2) The Materials Recovery Facility for the Southern Metropolitan Regional Council;
- (3) The Australian Technical College; and
- (4) The Chief Executive Officer's Performance Appraisal Committee Minutes dated 27 April 2005.



9. COUNCIL MATTERS

9.1 (MINUTE NO 2783) (SCM 02/05/2005) - CREATION OF STRATEGIC FINANCE AND INVESTMENTS COMMITTEE TO ADVISE COUNCIL ON INVESTMENTS (5003; 5103) (SC)

RECOMMENDATION

That Council:

- (1) pursuant to Section 5.8 of the Local Government Act 1995 (WA) ("the Act"), and in accordance with section 5.9(2)(c) of the Act, establish the "Strategic Finance and Investments Committee" ("the Committee");
- (2) establish the Terms of Reference of the Committee as providing advice to Council regarding maximisation of returns to Council from its cash and land assets;
- (3) appoint five (5) Elected Members to the Committee with elections to be held at the Special Council Meeting on 10 May 2005; and
- (4) appoint the Chief Executive Officer, Acting - Director Engineering and Works, Director - Finance and Corporate Services, Manger - Finance, the Management Accountant, and other public or private sector advisors as co-opted from time to time as non-voting advisers to the Committee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor R Graham that consideration of the matter be deferred to either the Special Meeting of Council on 10 May 2005.

AMENDMENT TO MOTION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that consideration of the matter be deferred to either the Special Meeting of Council on 10 May 2005 or the Ordinary Council Meeting on 17 May 2005, at the discretion of the Chief Executive Officer.

CARRIED 6/0



Explanation

The reason for this change was that further information has been sought in relation to this matter. The information is expected shortly and based on the information received Mayor Lee will be calling a Special Council Meeting on 10 May 2005. Should this not be the case the matter will be dealt with at the Ordinary Council Meeting on 17 May 2005.

Background

It has been identified that Council has considerable land assets, some of which are available for sale to realise cash in the short term or potentially can be developed to provide an ongoing income stream. Council also has throughout the year cash funds available for investment.

Council has a policy in regard to investment of cash but does not have a policy/plan for its land assets.

Submission

N/A

Report

It is proposed that a Committee be formed to consider ways to maximise the returns to Council from both land and cash assets. It is intended that the Committee will be joined by private or public sector professionals to provide specialist advice (eg. Council's current cash investment advisors or a property developer) when considered necessary.

The Committee will review Council's existing policy on Investments and make appropriate recommendations on the adequacy of Council's Investment Policy (SFCS1).

The Committee will also examine Council's landholdings with a view to determining which properties should be considered for sale only and which properties are capable of development. Properties capable of development will then be identified as either for sale following development or capable of providing an ongoing income stream for Council. The possibility of joint ventures will also be examined if appropriate. The Committee will take into account the requirements to fund future Community Infrastructure for both construction and ongoing operation costs and make appropriate recommendations to Council. The need for a policy on land assets will also be examined.

It is anticipated that the Committee will meet on at least a quarterly basis.



Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

The Committee will be making recommendations to Council regarding cash investment income and the funding for capital and operating costs for community infrastructure.

Legal Implications

Business plans may be required for land dealings as required by Section 3.59 of the Local Government Act 1995.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

Implications of Section 3.18(3) Local Government Act, 1995

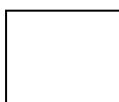
Nil.

(MINUTE NO 2784) (SCM 02/05/2005) – MEETING BEHIND CLOSED DOORS

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that pursuant to s5.23(2) (a) and (c) of the Local Government Act, 1995 (WA) Council move behind closed doors, the time being 6.46 pm, to discuss Item 9.2.

CARRIED 6/0



9.2 (MINUTE NO 2785) (SCM 02/05/2005) - CONSTRUCTION OF MATERIALS RECOVERY FACILITY AND INCREASE IN LOAN FUNDS - SOUTHERN METROPOLITAN REGIONAL COUNCIL (4906) (BKG/SC) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Southern Metropolitan Regional Council that it supports the business plan dated April 2005 for building, owning and operating a Material Recovery Centre at the Southern Metropolitan Regional Council Complex at Canning Vale and to increase the existing RRRC loan facility to \$47,500,000;
- (2) resolve to execute the Western Australian Treasury Corporation Letter of Amendment dated 15 April 2005 and to be bound by its terms and conditions; and
- (3) authorise the Chief Executive Officer to execute the Western Australian Treasury Corporation Letter of Amendment dated 15 April 2005.

COUNCIL DECISION

MOVED C/r I Whitfield SECONDED C/r V Oliver that Council:

- (1) approve the Regional Resource Recovery Centre Materials Recovery Facility Business Plan dated April 2005;
- (2) approve the incorporation of the Business Plan into the Regional Resource Recovery Centre Business Plan as adopted by the Regional Council on 30 July 1998;
- (3) execute the Western Australian Treasury Corporation Letter of Amendment dated 15 April 2005 to increase the Regional Resource Recovery Centre Project Facility limit to \$47,500,000 and to be bound by its terms and conditions; and
- (4) authorise the Chief Executive Officer to execute the Western Australian Treasury Corporation Letter of Amendment dated 15 April 2005.

CARRIED 6/0



Explanation

It was established that the wording of the alternative motion was clearer than the wording of the previous motion.

Background

In January 2005 the owner/operator of the Regional Council's Materials Recovery Facility at Canning Vale went into voluntary liquidation. This means there is currently no modern plant available that can sort the contents from the yellow top recycling bins into the various components of glass, paper, cardboard etc so they can be sold and re-used.

The material is currently being sorted and sold at a temporary location.

The Southern Metropolitan Regional Council (SMRC) at its Special Meeting held on 17 March 2005 resolved:

- (a) *the detailed business plan for the Material Recovery Facility – Build Own and Operate by SMRC dated March 2005 be adopted.*
- (b) *the detailed business plan above be presented to the Regional Resource Recovery Centre Project Participants (under seal of confidentiality) for consideration and approval to increase the existing loan facility to \$45,000,000.*

Since that meeting the SMRC has had further discussions and reviewed a concept plan for the proposed new facility.

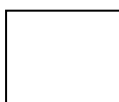
As a result of these discussions it is proposed to increase the project cost to \$6,984,550.00. This takes into account the cost to settle with RCWA (the company that went into liquidation) and modifications to the building and the estimated cost of the new machinery.

The business plan has now been finalised and has been forwarded to member Councils for their endorsement.

The member Councils are Cockburn, Melville, Canning, Fremantle and East Fremantle. Mayor Stephen Lee is the representative from this Council on the Regional Council.

A copy of the business plan is attached to the Agenda. It is a confidential report in accordance with the Local Government Act 1995 Section 5.23(2)(c).

*“Improper Use of Information:
5.23*



A person who is a Council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law

- (a) to gain directly or indirectly an advantage for the person or any other person*
- (b) to cause detriment to the local government or any other person.*

Penalty \$10,000 or 2 years imprisonment.”

Submission

A letter has been received from the Southern Metropolitan Regional Council stating they have now prepared an amended business plan dated April 2005 for the project participants to consider to build own and operate a Materials Recovery Centre (MRC) at Canning Vale and to borrow \$7.5 million to pay for the construction.

The letter is attached to the Agenda.

Report

The Southern Metropolitan Regional Council was established to handle the waste requirements for 7 Councils. It is now committed to recycling all of the waste from households.

It established a facility at Canning Vale to accept all of the contents from the green top bins and process it into compost, accept all the contents from the yellow top bins and sell all of the components for re-use and all of the greenwaste from verges and households and turn it into mulch.

The plant (MRF) for accepting the recyclables from the yellow top bins and sorting them into their components for sale was built by a private company, the Recycling Company of WA.

It started operations in 2001 and successfully accepted and processed all of the recyclables from Cockburn and the other 6 Councils.

In January 2005 the company went into voluntary liquidation and the plant closed.

Since then the SMRC have made alternative arrangements to accept and sort the recyclables. They are leasing a property in Maddington where the material is taken and sorted as a short term measure.

The staff at the SMRC are confident they can build own and operate their own MRF. A business plan was prepared to achieve this and the Regional Council have accepted the proposal. The business plan has



now been forwarded to member Councils, ie. Cockburn, Melville, Fremantle, East Fremantle and Canning for their endorsement.

The business plan is attached. The key points are:-

- a recycling plant is to be built and operated by the Southern Metropolitan Regional Council.
- City of Cockburn is one of 5 Councils in the project.
- the proposal is to borrow \$7.5 million to build the plant.
- the sale of the recyclables and the payment by Councils of a similar gate fee to what was paid to the previous operator will cover the loan.
- the loan is for 10 years and Cockburn will be required to go guarantor for about 25% of the total, ie \$1.75 million.
- the loan will be from the Western Australian Treasury Corporation (WATC) and they have agreed to the proposal.
- the plant will be built and be operational by February 2006.
- there are synergies and economics in all the waste from households being accepted and processed at one location.

The proposed Letter of Agreement with WATC is attached to the Agenda.

The proposal for the Southern Metropolitan Regional Council to build own and operate a recycling plant at Canning Vale is recommended.

The business plan illustrates that it is financially viable and the Regional Council has the staff to implement its construction and operate it. They currently own and operate the Bedminster plant which processes the contents of the green top bins into compost. The alternatives of using a private company to own and operate the plant has proved to be unsuccessful.

Currently there are no plants operated by private companies that would have the capacity to accept more recyclable material.

Recycling is seen as a very important issue by the community and this proposal allows them to be in control of the way their material is to be processed and re-used and the costs and income will be completely transparent.

Strategic Plan/Policy Implications

The Corporate Strategic Plan objectives which relate to this item are:-

- *“To manage the City’s waste stream in an environmentally acceptable manner.”*



Budget/Financial Implications

For the construction and operation of the recycling there will be no change to the contribution that Council currently makes for this service to Southern Metropolitan Regional Council.

The loan commitment will increase by approximately \$1.7 million.

This will be paid off over the 10 year life of the plant by income from recyclables and the prescribed gate fee. The gate fee is incorporated in the rubbish (recycling) rate being paid by all ratepayers.

Legal Implications

A Council either local or regional can undertake any service that is considered beneficial to its community.

Community Consultation

There has been no community consultation on this project. However, the community has shown it is totally committed to recycling.

Attachment(s)

- (1) Material Recovery Facility Build Own and Operate by SMRC Business Plan dated April 2005.
- (2) Western Australian Treasury Corporation Letter of Amendment dated 15 April 2005.
- (3) Letter from Southern Metropolitan Regional Council dated 14 April 2005.

Advice to Proponent(s)/Applicant

N/A

Implications of Section 3.18(3) Local Government Act, 1995

There is currently no similar facility with the capacity to process the recyclables from the 7 members of the Regional Council.

(MINUTE NO 2786) (SCM 02/05/2005) – MEETING OPEN TO THE PUBLIC

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr K Allen that the meeting be opened to the public, the time being 7.28 pm.

CARRIED 6/0



THE CHIEF EXECUTIVE OFFICER READ ALOUD THE DECISION OF COUNCIL WHILST BEHIND CLOSED DOORS

9.3 (MINUTE NO 2787) (SCM 02/05/2005) - AUSTRALIAN TECHNICAL COLLEGE (9006) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) write a letter to the Department of Education, Science and Training:
 1. Supporting the proposal by Jobs West for the establishment of the proposed Australian Technical College at South Lake and Cockburn Central as outlined in the confidential Agenda attachment.
 2. Providing details on and the benefits of locating the College at Cockburn Central.
- (3) make the confidential Agenda attachment available to the public following the release of information on all the bids by the Department of Education, Science and Training.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that Council:

- (1) receive the report;
- (2) write a letter to the Department of Education, Science and Training:
 1. Supporting the proposal by Jobs West for the establishment of the proposed Australian Technical College at South Lake and Cockburn Central as outlined in the confidential Agenda attachment.
 2. Providing details on and the benefits of locating the College at Cockburn Central.
- (3) forward a copy of the letter referred to (2) above to Jobs West; and
- (4) make the confidential Agenda attachment available to the public



following the release of information on all the bids by the Department of Education, Science and Training.

CARRIED 6/0

Explanation

Jobs West should be provided a copy of the letter to include with its submission.

Background

Council at its meeting held on 18 January 2005 (Min. No.2679) considered a report on the development of the Australian Technical College within the City and resolved as follows:

- (1) submit an Expression of Interest by 18 February 2005, to the Commonwealth Department of Education, Science and Training for the establishment of the "Perth South" Australian Technical College within the district based on the City Officer's report;
- (2) identify Cockburn Central as the City's preferred location for the establishment of an Australian Technical College, for the purposes of the Expressions of Interest submission;
- (3) write to the State Department of Education, Science and Training, identifying the Lakelands Senior High School site as one possible location for it to submit an Expression of Interest to the Commonwealth Government for the establishment of the "Perth South" Australian Technical College; and
- (4) forward a copy of the Expression of Interest to each Member of the House of Representatives and Senate representing the constituents in the City of Cockburn.

Submission

Jobs West has held discussions with the Deputy Mayor, the Chief Executive Officer and Manager Planning Services regarding their proposals for the establishment of the Australian Technical College at South Lake and Cockburn Central and has requested Council's support for their bid.

Report

In accordance with Council's resolution letters were sent to the relevant agencies and members of Parliament. Subsequent to the Expressions of Interest the Department of Education, Science and Training advertised for detailed proposals. The application form and financial



viability questionnaire are to be completed by interested parties by 20 May 2005.

It is clear from the documentation that Council is not in a position to submit a proposal in its own right. Given that Council is keen to see the facility established within the City it is appropriate to support the proposal by Jobs West which is to establish facilities at South Lake and Cockburn Central.

Details of the bid are contained in a confidential attachment to the Agenda.

It is recommended that Council provide written support for the proposal by Jobs West and to provide relevant information on Cockburn Central to assist in the bid. It is further recommended that Council agree to make the Agenda attachment available to the public following the assessment and release of proposals to the public by the Department of Education, Science and Training.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

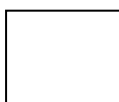
There are no Council Policies which apply to this item.

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

Confidential report outlining the proposal to be submitted to the Department of Education, Science and Training by Jobs West.

Advice to Proponent(s)/Applicant

Advised that the matter is to be considered by this meeting of Council.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

9.4 (MINUTE NO 2788) (SCM 02/05/2005) - CHIEF EXECUTIVE OFFICER'S PERFORMANCE APPRAISAL COMMITTEE MEETING MINUTES - 27 APRIL 2005 (1192) (SC) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Minutes of the Chief Executive Officer's Performance Appraisal Committee, dated 27 April 2005, as attached to the Agenda; and
- (2) adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr K Allen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/0

Background

The Chief Executive Officer's Performance Appraisal Committee conducted a meeting on 27 April 2005. The Minutes of the meeting are required to be presented to Council and its recommendations considered by Council.



Submission

The Minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

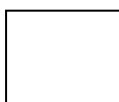
Minutes of the Chief Executive Officer's Performance Appraisal Committee of 27 April 2005.

Advice to Proponent(s)/Applicant

The Chief Executive Officer will be in attendance at the Special Council Meeting.

Implications of Section 3.18(3) Local Government Act, 1995

Committee Minutes refer.



10. (MINUTE NO 2789) (SCM 02/05/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 6/0

The Presiding Member made an acknowledgement of the Certificates of Appreciation which were presented to Council, which were as follows:

1. Lakeland Senior High School – A special thank you to Mayor Stephen Lee for his continued support.
2. Certificate of Appreciation – Jandakot Lakes Lions Club Inc. in appreciation of giving up his time to support the children of the Leo's Club of Cockburn.
3. Plaque - Coogee Beach Surf Life Saving Club – Appreciation for Mayor Lee's support.
4. Certificate of Appreciation from the Beeliar Residents' Association to City of Cockburn in recognition of Council's financial support for the Christmas Carols 2004.

Mayor Lee mentioned that this was the last meeting prior to Council Elections. He thanked all Elected Members for their contribution and wished them every success in the coming Elections.

11 (SCM 02/05/2005) - CLOSURE OF MEETING

MEETING CLOSED 7.35 PM



CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

