

Page 1
DOOMADGEE ABORIGINAL SHIRE COUNCIL
MINUTES – SPECIAL ORDINARY MEETING OF COUNCIL
WEDNESDAY, 24TH AUGUST 2016

Minutes of a Special Meeting of the Doomadgee Aboriginal Shire Council held in the Boardroom, 275 Sharpe Street, Doomadgee on Wednesday 24th August 2016 scheduled to commence at 9am.

PRESENT

Cr E Walden	Mayor (from 09:24)
Cr J Ned	Deputy Mayor (from 09:36)
Cr T Chong	Councillor (from 09:52)
Cr S Foster	Councillor (from 09:40)

Council Officers:

A Seiler	Acting Chief Executive Officer
R Kelly	Acting Manager Corporate Services (09:45 to 10:24)

Observers:

R Burton	Advisor, Department of Infrastructure, Local Government and Planning
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APOLOGIES & LEAVE OF ABSENCE

Nil

MEETING RE-SCHEDULING

Due to non-attendance by Councillors, after fifteen minutes the Acting Chief Executive Officer adjourned the meeting at 9:15 for fifteen minutes to 09:30

Cr Walden attended the boardroom at 09:24

Cr Walden, as the only Councillor in attendance and in accordance with Section 261(2)(b) of the *Local Government Regulations 2012* adjourned the meeting at 09:30 for a period of fifteen minutes to 09:45

Having achieved quorum, the Mayor officially opened the meeting at 09:45

CONFIRMATION OF PREVIOUS MINUTES

Not applicable

DISCLOSURE OF MATERIAL PERSONAL INTEREST AND CONFLICT OF INTEREST

Nil

PRESENTATION AND/OR ELECTED MEMBERS REPORTS

Nil

CHIEF EXECUTIVE OFFICER'S REPORT

7.1 Adoption of 2016/2017 Budget, Fees and Charges & 10-year Long Term Financial Sustainability Statement
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LOCATION/ADDRESS:	Doomadgee, QLD
APPLICANT:	Not applicable
FILE NUMBER:	
AUTHOR:	Acting Chief Executive Officer
CONTRIBUTOR(S):	Chief Financial Officer
RESPONSIBLE OFFICER:	Acting Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 th August 2016

Page 2
DOOMADGEE ABORIGINAL SHIRE COUNCIL
MINUTES – SPECIAL ORDINARY MEETING OF COUNCIL
WEDNESDAY, 24TH AUGUST 2016

PURPOSE

Adoption of the 2016/2017 Draft Budget as Council's twelve-month Operational and Capital deployment arrangement together with the endorsement of the Fees and Charges for 2016/2016 and the 10-year Long Term Financial Sustainability Statement

BACKGROUND

The Executive Committee has worked extensively with the Chief Financial Officer to provide input into the development of Council's 2016/2017 Draft Budget and Council was provided with a copy of the original draft budget with the June 2016 OMC Agenda and has had the opportunity to provide feedback and input over the past nine weeks.

The principal amendment between the previous draft supplied and the document provided for adoption relates to the Reticulated Water Supply Project, whereby the entire project (Capital) had been disclosed at a cost of \$3,795,909. Council has been able to achieve construction of this project following preparation and dissemination of the Draft Budget in June to the level of \$1,910,688 which has reduced the capital job in 2016/2017 to \$1,885,221.

The balance on the budget remains largely unchanged.

COMMENT

In summary, key components of the 2016/2017 Draft Budget are as follows:

Operating Revenue:	\$15,688,270	Capital Expenses by funding type:	
Operating Expenses:	\$13,342,858	Funded by general fund	\$3,625,290
		Funded by depreciation	\$2,402,213
Operating result:	\$2,345,412	Funded by grant	\$2,897,710
Capital (revenue/expenses)	\$2,897,710	Total capital expenses	\$8,925,213

Council will have the opportunity to discuss and debate, in detail, the Draft Budget prior to adoption.

CONSULTATION

Executive Management Team

LEGISLATIVE ENVIRONMENT

Local Government Act 2009

STRATEGIC ASSOCIATION /

Allocation of financial resources 2016/2017

ALIGNMENT TO CORPORATE PLAN

RISK ASSESSMENT

Not applicable

FINANCIAL IMPACT

Determination of Council's Income and Expenditure for the period 1 July 2016 to 30 June 2017 and beyond

ASSET MANAGEMENT & SUSTAINABILITY IMPACT

Asset Renewal and Acquisition has been factored into the document

POLICY ASSOCIATION

Not applicable

CULTURAL CONSIDERATIONS

Not applicable

Cr Chong entered the meeting at 09:52

Page 3
DOOMADGEE ABORIGINAL SHIRE COUNCIL
MINUTES – SPECIAL ORDINARY MEETING OF COUNCIL
WEDNESDAY, 24TH AUGUST 2016

RECOMMENDATION

That Council, subject to amendment, adopt the Draft 2016/2017 Budget as follows:

Operating Income: \$15,688,270
Operating (Expenditure) (\$13,342,858)

Capital Income: \$2,897,710
Capital (Expenditure) (\$6,220,221)

Resulting in an estimated net result attributable to Council's Financial Position at year-end of (\$977,098).

106-08/16

Moved Cr Ned Seconded Cr Foster that Council, subject to amendment, adopt the Draft 2016/2017 Budget as follows:

Operating Income: \$15,688,270
Operating (Expenditure) (\$13,342,858)

Capital Income: \$2,897,710
Capital (Expenditure) (\$6,220,221)

Resulting in an estimated net result attributable to Council's Financial Position at year-end of (\$977,098).
CARRIED (4/0)

RECOMMENDATION

That Council adopt the Fees and Charges for the period 2016/2017, as presented.

107-08/16

Moved Cr Ned Seconded Cr Walden that Council adopt the Fees and Charges for the period 2016/2017, as presented.

CARRIED (4/0)

RECOMMENDATION

That Council adopt the 10-year Long Term Financial Sustainability Statement.

108-08/16

Moved Cr Foster Seconded Cr Ned that Council adopt the 10-year Long Term Financial Sustainability Statement.

CARRIED (4/0)

Page 4
DOOMADGEE ABORIGINAL SHIRE COUNCIL
MINUTES – SPECIAL ORDINARY MEETING OF COUNCIL
WEDNESDAY, 24TH AUGUST 2016

The Acting Corporate Services Manager vacated the boardroom at 10:24 and did not return

Cr Foster left the meeting at 10:32 and returned at 10:35

7.2 Contract of Employment – Chief Executive Officer

LOCATION/ADDRESS:	Doomadgee, QLD
APPLICANT:	Not applicable
FILE NUMBER:	
AUTHOR:	Acting Chief Executive Officer
CONTRIBUTOR(S):	Not applicable
RESPONSIBLE OFFICER:	Acting Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	20 th August 2016

PURPOSE

Council is afforded the opportunity to consider, in detail, the matter of the Contract of Employment for the Chief Executive Officer following matters addressed in the July and August Ordinary Meetings

BACKGROUND

Council was provided with two articles of correspondence received from Peters Bosel Lawyers dated 14 June 2016, which was considered at the July Ordinary Meeting of Council (resolution 83-08/16).

The above resolution stated the following:

83-08/16

Moved Cr Ned Seconded Cr Jupiter that Council authorise the Acting Chief Executive Officer engage representatives within the Local Government Association of Queensland to review correspondence received from Peter Bosel Lawyers addressed to Mayor Walden and provide a report directly back to Council for consideration at a Special Meeting or the August 2016 Ordinary Meeting.

CARRIED (3/0)

The Acting Chief Executive Officer complied with this resolution (dated 8 August 2016) and referred the matter to the Acting Chief Executive Officer of the Local Government Association of Queensland on Wednesday 10th August 2016.

Council was provided preliminary advice from the Local Government Association of Queensland on Thursday 18th August 2016 at the August Ordinary Meeting of Council and carried the following resolution (unconfirmed):

Moved Cr Jupiter Seconded Cr Foster that Council has considered the two articles of correspondence from Peters Bosel Lawyers, making representations on behalf of their client, acknowledge the actions of the Acting Chief Executive Officer in referring same to the Local Government Association of Queensland and wish their client a speedy recovery.

CARRIED (3/1)

COMMENT

The matter remains referred with the Local Government Association of Queensland and it is anticipated a teleconference may be able to proceed during this meeting, to provide elected members directly with an update on the situation.

Page 5
DOOMADGEE ABORIGINAL SHIRE COUNCIL
MINUTES – SPECIAL ORDINARY MEETING OF COUNCIL
WEDNESDAY, 24TH AUGUST 2016

Council, in securing the opportunity to receive a progress update from the Local Government Association of Queensland on the matter of the Contract of Employment with the Chief Executive Officer, will be afforded the opportunity at this meeting to develop a further recommendation, following the outcome of those discussions.

CONSULTATION	Local Government Association of Queensland
LEGISLATIVE ENVIRONMENT	<i>Local Government Act 2009</i>
STRATEGIC ASSOCIATION / ALIGNMENT TO CORPORATE PLAN	Not applicable
RISK ASSESSMENT	Not applicable
FINANCIAL IMPACT	Unknown
ASSET MANAGEMENT & SUSTAINABILITY IMPACT	
POLICY ASSOCIATION	Not applicable
CULTURAL CONSIDERATIONS	Not applicable

RECOMMENDATION

Recommendation subject to determination following an update to be provided by representatives from the Local Government Association of Queensland.

109-08/16

Moved Cr Walden Seconded Cr Foster that Council obtain a legal opinion providing clarification relating to the appointment of the position of Acting Chief Executive Officer for the period 14 April 2016 to 31 August 2016.

CARRIED (4/0)

Cr Chong left the meeting at 10:46

The meeting adjourned at 10:46 and resumed at 11:13

Cr Chong returned to the meeting prior to re-commencement of the meeting and is taken to have entered the meeting at 11:13

110-08/16

Moved Cr Walden Seconded Cr Ned that the report be noted.

CARRIED (4/0)

111-08/16

Moved Cr Walden Seconded Cr Chong that Council, subject to the Acting Chief Executive Officer (as appointed) taking Annual Leave for the period 19 -23 September 2016, appoint Mr Lothar Siebert to the position of Acting Chief Executive Officer during this period of absence.

CARRIED (3/2)

Cr Ned and Cr Foster recorded their vote against the motion.

As the vote cast was tied, Mayor Walden utilised the casting vote afforded to the position of Chairperson and voted in-favour of the resolution.

Page 6
DOOMADGEE ABORIGINAL SHIRE COUNCIL
MINUTES – SPECIAL ORDINARY MEETING OF COUNCIL
WEDNESDAY, 24TH AUGUST 2016

Cr Foster left the meeting at 12:46

Cr Chong left the meeting at 12:49 and the meeting became inquorate.

Cr Foster returned to the meeting at 12:50 and following achievement of quorum, the meeting resumed.

Cr Chong returned to the meeting at 12:51

Cr Walden left the meeting at 13:08 and returned at 13:09

7.3 Appointment of Solicitor

LOCATION/ADDRESS:	Doomadgee, QLD
APPLICANT:	James Loel, Lillas & Loel Lawyers
FILE NUMBER:	
AUTHOR:	Acting Chief Executive Officer
CONTRIBUTOR(S):	Not applicable
RESPONSIBLE OFFICER:	Acting Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	20 th August 2016

PURPOSE

Consideration of the appointment of Solicitor James Loel of Lillas & Loel Lawyers

BACKGROUND

Council has received two different legal advices in regard the appointment of Mr Loel of Lillas & Loel Lawyers and this matter is now referred to Council to make a determination on the matter.

COMMENT

An agreement was purported to have been signed by the Mayor on the 12th July 2016, a copy of which has not been furnished.

CONSULTATION

Bottoms English Law (April 2016)

LEGISLATIVE ENVIRONMENT

Local Government Act 2009

Local Government Regulations 2012

**STRATEGIC ASSOCIATION /
ALIGNMENT TO CORPORATE PLAN**

Not applicable

RISK ASSESSMENT

Another level of legal representation could create blurring between Council's existing specialised engagements

FINANCIAL IMPACT

Significant expenses already incurred have not been incorporated into the 2016/2017 budget

ASSET MANAGEMENT & SUSTAINABILITY IMPACT

Not applicable

POLICY ASSOCIATION

Acquisition of these services was outside of Council's Procurement Policy

CULTURAL CONSIDERATIONS

Not applicable

Page 7
DOOMADGEE ABORIGINAL SHIRE COUNCIL
MINUTES – SPECIAL ORDINARY MEETING OF COUNCIL
WEDNESDAY, 24TH AUGUST 2016

RECOMMENDATION

1. (a) That in accordance with Section 235(b) of the Local Government Regulations 2012 Council resolves that the seeking of legal advice on governance matters at Doomadgee Aboriginal Shire Council is of a specialised and confidential nature and that it would be impractical or disadvantageous for Council to invite quotes or tenders;
(b) That Council resolves to appoint Mr Loel of Lillas & Loel Lawyers as one of the legal advisors to Doomadgee Aboriginal Shire Council; and,
(c) That any matters needing referral to Mr Loel be subject to a resolution of the Council.
2. That Council meet the costs incurred to date in advices provided by Mr Loel to the Mayor and Cr Chong.

112-08/16

Moved Cr Walden Seconded Cr Chong that Mr Loel of Lillas and Loel Lawyers and Ms Alison Edwards be invited to meet with Council to discuss the proposal to establish a Tribal Council with the intent for the Tribal Council to employ a Solicitor to assist local community members in Court and Police proceedings.

CARRIED (4/0)

Reason for alteration to the recommendation:

Council did not consider the Officers Recommendation and resolved the alternate resolution as published.

CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 13:29.

I, Edric Kingston Walden confirm the afore Minutes of the Meeting held on Wednesday 24th August 2016 were confirmed at the Ordinary Meeting of Council held Thursday 15th September 2016.

Cr Edric Walden
MAYOR