



Minutes of the Ordinary Meeting of Council
19 December 2006
commencing at 10:40 am

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M Cox, R Davis, D G Pitt and J Sciacca.

Staff – T C Melchert (Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), P Trotman (General Manager Development & Environment), A M Rodgers (Manager Corporate Support), D L Street (Corporate Support).

06/1219/01A DEFER CONSIDERATION OF REPORTS

Upon opening the meeting the Mayor moved the following motion in light of the fact of advice that Mr David Spearritt would not be in attendance until midday.

Moved Cr Berwick

Seconded Cr Davis

“That Council defers consideration of the 2006/2007 Operational Plan, Implementation of the Kellar Report, Review of Douglas Shire Council by David Spearritt and Job Specification and Performance Management System – Position of Chief Executive Officer (item numbers 07, 39, 40 and 41) until after David Spearritt attends the meeting.”

For: Crs Berwick, Cox, Davis

Against: Crs Egan, Bellerio, Pitt, Sciacca

Lost

06/1219/01B STAFF MEMO TO CEO AND COUNCILLORS

The Mayor advised he had been handed a memorandum by 21 staff members who had requested it be tabled at the meeting and he moved a motion accordingly.



Moved Cr Berwick

Seconded Cr Davis

"That the memorandum from the staff lodging an objection to the Chief Executive Officer's recommendation on the Organisational Review be tabled."

For: Crs Berwick, Davis, Sciacca, Cox, Pitt, Bellerio

Against: Cr Egan

Carried

With the agreement of the meeting the Mayor commenced to read the memorandum in full.

POINT OF ORDER

Moved Cr Egan

Seconded Cr Pitt

06/1219/01C

"That Council notes that the material in the memorandum may not be factual and dealing with a staff matter outside a closed session is not Council's normal practice."

The Mayor determined not to uphold the Point of Order motion.

The Mayor concluded reading the memorandum.

No decisions were taken.

06/1219/01

CONDOLENCES

Cr Berwick referred to the recent deaths of Matthew Guy Wunderwald and Gunnar Larsen. The Council stood and observed one minute's silence. (*Amended Ordinary Meeting 30 January 2007*)

Moved Cr Berwick

Seconded Cr Egan

"That Council sends letters of condolence to the next of kin."

Carried unanimously

06/1219/02

CONFIRMATION OF MINUTES – ORDINARY MEETING 28 NOVEMBER 2006

Moved Cr Sciacca

Seconded Cr Davis

"That the minutes of the Ordinary Council Meeting held on 28 November 2006 be confirmed."

Carried unanimously



06/1219/03 CONFIRMATION OF MINUTES – SPECIAL MEETING**13 DECEMBER 2006**

Moved Cr Berwick

Seconded Cr Egan

“That the minutes of the Special Council Meeting held on 13 December 2006 be confirmed subject to the following amendment: -

- *On Page 1 the inclusion of a Point of Order motion moved by Cr Egan questioning the ability of the Mayor to table a report prepared by him.”*

For: Crs Berwick, Egan, Bellerio, Pitt, Cox, Sciacca

Against: Cr Davis

Carried**COMMUNITY & CORPORATE****06/1219/04 REVIEW - DOUGLAS SHIRE COUNCIL POLICIES**

Moved Cr Berwick

Seconded Cr Sciacca

“That Council endorses the policies as submitted and all policies be provided on the council’s webpage for public information.”

For: Crs Berwick, Sciacca, Cox, Pitt, Bellerio, Egan

Against: Cr Davis

Carried**ATTENDANCE/WITHDRAWAL**

The Chief Executive Office withdrew from the meeting at 11.30 am.

06/1219/05 ELECTORAL DIVISION ARRANGEMENTS FOR DOUGLAS SHIRE

Moved Cr Sciacca

Seconded Cr Pitt

“That Council commences the consultation of the community in relation to the review of electoral divisions in accordance with the timeframe identified.”

An amendment was moved:

Moved Cr Davis

06/12198/05(A) *“That Council commences the consultation of the community in relation to the review of electoral divisions in accordance with the timeframe identified and the political views of individual Councillors be included in the mail out to the community.”*

The amendment lapsed for want of a seconder.



The original motion was put:

For: Cr Sciacca, Pitt, Bellerio, Egan, Berwick, Cox

Against: Cr Davis

Carried

06/1219/06 COUNCIL REPRESENTATION ON PORT DOUGLAS COMMUNITY SERVICES NETWORK MANAGEMENT COMMITTEE

The General Manager Community and Corporate advised the Manager Community, Cultural and Economic Development is on the committee and it was her understanding she was the council's representative.

Moved Cr Berwick

Seconded Cr Sciacca

"That the item be left on the table until the next Council meeting scheduled for 30 January 2007."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Chief Executive Office re-attended the meeting at 11.42 am.

06/1219/07 2006/07 OPERATIONAL PLAN – REVISED FORMAT & INCORPORATION OF KEY PERFORMANCE INDICATORS

The General Manager Community and Corporate advised he had distributed a revised copy of the Operational Plan as there had been minor changes made which had inadvertently been omitted from the copy on the Agenda.

Moved Cr Egan

Seconded Cr Sciacca

"That the Council adopts the revised 2006/07 operational plan as tabled by the General Manager Community and Corporate and which was prepared by the Chief Executive Officer and General Managers and incorporating the key performance indicators."



SUSPENSION OF STANDING ORDERS

Moved: Cr Bellerio

Seconded: Cr Egan

06/1219/06A *“That standing orders be suspended to allow Council to receive a deputation from Pacific Film and Television Commission - Miniseries Production in relation to a proposed film project at ~~Newell-Beach~~ Rocky Point.” (Amended Ordinary Meeting 30 January 2007)*

Carried unanimously

DEPUTATION

Pacific Film and Television Commission - Miniseries Production and associated representatives attended at this time and were invited by the Mayor to present a deputation to the Council in relation to a proposed film project at ~~Newell-Beach~~ Rocky Point. (Amended Ordinary Meeting 30 January 2007)

- Nick Daubeny, Supervising Location Manager, *The Pacific*
- Karen Jones, Location Manager, Murray Boyd Film
- Margaret Card, Environmental Consultant, GHD
- Jess Conoplia, Manager International Production, Pacific Film and Television Commission, Queensland Government
- Tony Winley - Producer and Production Manager *The Pacific*.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Bellerio

Seconded Cr Egan

06/1128/06B *“That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow commercial in confidence discussion with the members of the deputation in relation to a proposed film project at ~~Newell-Beach~~ Rocky Point.” (amended Ordinary Meeting 30 January 2007)*

Carried unanimously

WITHDRAWAL

Pacific Film and Television Commission - Miniseries Production and associated representatives concluded their deputation at 12.38 pm. The Mayor thanked the representatives for their attendance and presentation and they withdrew from the meeting.

RE-OPENING OF THE MEETING TO THE PUBLIC

With the agreement of the meeting the meeting be re-opened to the general public. There were no recommendations forthcoming from the committee of the whole Council.

RESUMPTION OF STANDING ORDERS

With the agreement of the meeting standing orders were resumed.

ADJOURNMENT

At 12:40 pm the meeting stood adjourned for lunch.

RESUMPTION

The meeting resumed at 1:09pm.

ATTENDANCE/WITHDRAWAL

Mr David Spearritt, Orion Consulting, Ms Judith Himstedt, Himstedt Consulting, and Ms Beth Mitchell, Department of Local Government and Planning, attended the meeting at 1.09pm.

06/1219/07 2006/07 OPERATIONAL PLAN – REVISED FORMAT & INCORPORATION OF KEY PERFORMANCE INDICATORS

Moved Cr Egan

Seconded Cr Sciacca

“That the Council adopts the revised 2006/07 operational plan as tabled by the General Manager Community and Corporate as prepared by the Chief Executive Officer and General Managers and incorporating the key performance indicators.”

During the course of debate on the above motion the conduct of certain councillors was questioned prompting the following procedural motion.

06/1219/07A ZERO TOLERANCE

Moved Cr Egan

Seconded Cr Pitt

“That the Council enforces its zero tolerance policy as resolved at its meeting on 28 November 2006.”

For Crs Egan, Pitt, Cox, Sciacca.

Against Crs Berwick, Davis.

Carried



Debate on the original motion resumed and the motion was put:

For: Cr Egan, Sciacca, Bellerio, Pitt, Cox

Against: Cr Berwick, Davis

Carried

06/1219/07B CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Sciacca

Seconded Cr Bellerio

“That pursuant to Section 463(1)(a) & (h) of the Local Government Act 1993, the meeting be closed to the general public to allow a briefing session to discuss agenda items 39, 40 & 41 relating to staff matters and other matters which if discussed in open Council may prejudice conduct of good governance.”

For: Cr Sciacca, Bellerio, Pitt, Egan

Against: Cr Cox, Davis, Berwick

Carried

The Council invited Mr Spearritt, Ms Himstedt and Ms Mitchell to remain in the closed session for the purposes of participating in the briefing session.

RE-OPENING OF THE MEETING TO THE PUBLIC

With the agreement of the meeting it was re-opened to the general public. Cr Davis withdrew while the meeting was closed to the public.

06/1219/41 JOB SPECIFICATIONS AND PERFORMANCE MANAGEMENT SYSTEM – POSITION OF CHIEF EXECUTIVE OFFICER

Moved Cr Berwick

Seconded Cr Cox

“That Council adopts the Chief Executive Officers’ position description as presented with the addition of the individual Key Performance Indicators (KPI) and work plan framework developed by Global Leadership Foundation and staff. The existing processes, i.e. Global Leadership Foundation and the already assigned Project Manager, to finalise the performance management system for the Chief Executive Officer and General Managers as part of the Organisational review and alignment process.

For: Crs Berwick, Cox

Against: Crs Egan, Bellerio, Pitt, Sciacca

Lost



Moved Cr Egan

Seconded Cr Pitt

06/1219/41

“The Council adopts the job specification and performance management system developed by HR expert Ms J Himstedt for the position of Chief Executive Officer and seek to appoint Mr Noel Playford and Mr Col MacDowall as an independent review team to monitor the performance of the Chief Executive Officer and to report to Council directly.”

For: Crs Egan, Bellerio, Pitt, Sciacca

Against: Crs Berwick, Cox

Carried

06/1219/39 **IMPLEMENTATION OF THE KELLAR REPORT**

06/1219/40 **REVIEW OF DOUGLAS SHIRE COUNCIL BY MR DAVID SPEARRITT**

The above two agenda items were considered concurrently.

Reference is made to the following paragraph numbers of the Kellar report recommendations.

Moved Cr Pitt

Seconded Cr Egan

06/1219/39A **6.3.1**

“That the independent review team be appointed by not later than mid-February 2007. The Chief Executive Officer’s individual workplan (IWP) be required to be adopted by the Council by no later than mid-February 2007.”

Carried unanimously

Following an amendment to these minutes at the meeting of 30 January 2007, commentary originally appearing here was removed.



Moved Cr Egan

Seconded Cr Sciacca

06/1219/39B

“That Council –

- *rejects the report prepared by the Mayor in relation to the Kellar and Spearritt reviews and endorse the report of the Chief Executive Officer for the purposes of independent review and comment by David Spearritt and, where necessary, Col McDowall should some matters be outside the terms of reference of Mr Spearritt.*
- *delegates to the Chief Executive Officer the authority to appoint Jim Neely to the position of Project Officer for the sole purpose of facilitating the finalisation of the current alignment review with the term of the project officer position not in any way to exceed a period ending on 30th March 2007.*
- *delegates to the Chief Executive Officer authority to engage an independent and experienced human resources consultant with a budget not exceeding \$15,000 to review the alignment process and training outcomes required by the Spearritt report, the Kellar report and the Ombudsman’s report on the ferry contract and to design, in consultation with the Chief Executive Officer and General Managers, an intensive six to nine months training program to achieve the required goals as soon as possible.”*

For: Crs Egan, Bellerio, Pitt, Sciacca

Against: Crs Berwick, Cox

Carried

ADJOURNED

At 6.33pm the meeting was adjourned until 9.00am on Wednesday, 20 December 2006. The meeting to be resumed in the Douglas Shire Hall, Mill Street, Mossman.

Presented to and confirmed by Council on the *Thirtieth day of January 2007*

M P Berwick
Mayor