

BURKE SHIRE COUNCIL



Minutes of Ordinary Meeting

held on

24th and 25th of February 2009

CONFIRMED

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PRESENT Cr Annie Clarke (Mayor and Meeting Chair)
Cr Ernie Camp (Deputy Mayor)
Cr Tonya Murray
Cr Tracy Forshaw
Cr Bill Olive

Barry Evans – Chief Executive Officer (CEO)
Zoe Belz – Manager Corporate Services (MCS)
Cheryl Portch – Minutes Clerk (MC)

OPENING OF MEETING

The Chair declared the meeting open at 10:30am on Tuesday 24 February 2009.

PRAYER

Cr Camp led Council in Prayer.

LEAVE OF ABSENCE/CONDOLENCES

Council extended its condolences to the Cunningham family for the passing of Russell's father Jim Cunningham, also to the family of Michael Cairns from Doomadgee.

Moved: Cr T Forshaw
Seconded: Cr T Murray

That Council send condolences to the affected families on behalf of the Burke Shire community.

CARRIED 1.090224

Move into Closed Session

Moved: Cr T Forshaw
Seconded: Cr E Camp

That Council move into closed session to discuss staffing matters.

CARRIED 2.090224

ATTENDANCE

Barry Evans (CEO), Zoe Belz (MCS) and Cheryl Portch (MC) left the meeting at 10:35am

Move into Open Session

Moved: Cr E Camp
Seconded: Cr T Forshaw

That Council move out of closed session.

CARRIED 3.090224

ATTENDANCE

Zoe Belz (MCS) re-entered the meeting at 11:20am

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CONSIDERATION OF RECOMMENDATIONS ARISING FROM CLOSED SESSION

Position of Chief Executive Officer

Moved: Cr A Clarke

Seconded: Cr E Camp

That Council resolve to terminate the contract of Mr Barry Evans as Chief Executive Officer of Burke Shire Council in accordance with Clause 8.1.5 of his employment contract with immediate effect today, Tuesday 24 February 2009.

AND

That Council further resolve to appoint Mr Fred de Waard as Acting Chief Executive Officer with immediate effect until a permanent appointment can be made.

CARRIED 4.090224

Cr T Murray asked that her vote be recorded as against the motion.

ATTENDANCE

Zoe Belz (MCS) left the meeting at 11:45am

Barry Evans (CEO) and Zoe Belz (MCS) re-entered the meeting at 11:50am

Barry Evans left the meeting at 11:55am

Zoe Belz (MCS) left the meeting at 11:56am

Zoe Belz (MCS), Cheryl Portch(MC), Jenny Williams, Jessica Gray, and Don McEvoy entered the meeting at 11:58am.

Cheryl Portch, Jenny Williams, Jessica Gray, and Don McEvoy left the meeting at 12:00pm

ADJOURNMENT OF MEETING

The meeting was adjourned by the Chair at 12:00 noon Tuesday 24 February 2009 for recommencement at 7:30am on Wednesday 25th February 2009.

RECOMMENCEMENT OF MEETING

The meeting was resumed by the Chair at 7:45am on Wednesday 25 February 2009.

PRESENT Cr Annie Clarke (Mayor and Meeting Chair)
Cr Ernie Camp (Deputy Mayor)
Cr Tonya Murray
Cr Tracy Forshaw
Cr Bill Olive,

Fred de Waard – Acting Chief Executive Officer (ACEO)
Zoe Belz – Manager Corporate Services (MCS)

MAYOR'S REPORT

The Mayor delivered a verbal report on various matters.

COUNCILLORS' REPORTS

Verbal reports were provided by Councillors on various matters.

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CONFIRMATION OF MINUTES

Minutes from Special Meeting 31 March 2008

Minutes from Ordinary Meeting 6 February 2009

Moved: Cr A Clarke

Seconded: Cr T Forshaw

That the Minutes of the Special Meeting held 31 March 2008 and the Minutes from the Ordinary Meeting held 6 February 2009 be confirmed.

CARRIED 5.090224

Minutes from Statutory Meeting 31 March 2008

Moved: Cr T Forshaw

Seconded: Cr T Murray

That the Minutes of the Statutory Meeting held 31 March 2008 be confirmed.

CARRIED 6.090224

Minutes from Special Meeting 2 May 2008

Moved: Cr T Forshaw

Seconded: Cr T Murray

That the Minutes of the Special Meeting held 2 May 2008 be confirmed with the amendments to Resolution 04.080502 (Page 4) and Resolution 05.080502 (Page 5) as outlined.

CARRIED 7.090224

TOURISM, RECREATION & CULTURE REPORT

Keep Australia Beautiful Council

Advising that the Ergon Energy Tidy Towns 2009 Competition is calling for nominations.

Moved: Cr B Olive

Seconded: Cr T Murray

That Council not participate in the Annual Tidy Towns awards for 2009 and the Acting Chief Executive Officer report back to Council on how the resources saved can be better utilised.

CARRIED 8.090224

Dept. of Local Government Sport & Recreation – Major Facilities Program

Refers to the Expressions of Interest under the above program for the following projects:

- Golf course at Gregory – 4 greens, 8 holes,
- Golf course at Burketown – 6 greens, 12 holes,
- Rotunda pavilion at Burketown.

The Department has completed the assessment of all Expressions of Interest and advises that the projects have not been successful in progressing to the application for funding stage.

Moved: Cr E Camp

Seconded: Cr T Forshaw

That

A) the Acting Chief Executive Officer obtain feedback and report back to Council; and

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B) Councillors be supplied with a copy of the application made.

CARRIED 9.090224

ADMINISTRATION REPORT

Graham Bailey Earthmoving Pty Ltd

Writing to enquire about the purchase of 1-3 acres of land in the Burketown or Gregory area to use for their earthmoving business.

Moved: Cr B Olive
Seconded: Cr E Camp

That the writer be advised that land is not currently available and the Acting Chief Executive Officer investigate and report back to Council on how Council can accelerate the release of land under Native Title.

CARRIED 10.090224

Dept. of Tourism Regional Development and Industry - Disaster resilience plan for business

The Department is providing business owners with practical processes to help plan and prepare for such emergencies including a Disaster Resilience Plan, a Hazard Checklist and Risk Control Action Plan, a Cyclone & Storm Surge Checklist and a Flooding Checklist.

Moved: Cr T Forshaw
Seconded: Cr T Murray

That this item be deferred to the next meeting.

CARRIED 11.090224

James Cameron – purchase of lot in Burketown

Writing to enquire about purchasing a vacant block lot 95 Anthony Street, Burketown. He owns lot 94 and wishes to permanently reside at Burketown and establish a business.

Moved: Cr T Murray
Seconded: Cr T Forshaw

That the Acting Chief Executive Officer prepare a report on the land available for disposal in Burketown and Gregory and the writer be advised that Council is unable to sell the block to him at this time.

CARRIED 12.090224

Natural Resources and Water – Application for Permit to Occupy, Lot 17 ,USL221

Referring to Council's application for Permit to Occupy received on 18 August 2006.

The Department has assessed that a Permit to Occupy is not the appropriate tenure over this area which is preferred as a reserve for recreation and public open space. Council is now asked to advise by 2 April 2009 whether it is prepared to accept trusteeship of Lot 17 on USL221 as a reserve for recreation and public open space.

Moved: Cr B Olive
Seconded: Cr T Murray

That this item be deferred to the next meeting.

CARRIED 13.090224

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Native Title – Gangalidda Garawa

Report from MacDonnell's Law re Native Title Claims

Moved Cr T Murray
Seconded Cr B Olive

That, subject to any further additions or alterations to the draft determination orders, Burke Shire Council approves, and is prepared to consent to the draft determination orders for QUD84/04 (Gangalidda and Garawa Peoples) and QUD66/05 (Gangalidda and Garawa People #2) on the following basis:

- (a) The draft determination orders only relate to the priority determination area within the two claim areas.
- (b) In relation to the balance of the two claim areas, Council reserves its position pending any necessary joinder as a respondent party and pending its participation in the mediation of the balance area of the claims.
- (c) Any further additions or alterations to the draft determination orders for the priority determination area are considered by Council before the Federal Court of Australia makes the determination orders for that area.

CARRIED 14.090224

ATTENDANCE

Cr T Murray left the meeting at 8:50am

Cr T Murray re-entered the meeting at 8:51am

Waste Disposal in Burketown and Gregory

The Chief Executive Officer toured Theiss Waste Facility at Springmount near Mareeba. Council needs to investigate options for management of Waste Disposal in the Shire.

Moved Cr T Murray
Seconded Cr B Olive

That the Acting Chief Executive Officer prepare a report with further options and costings for Council's consideration.

CARRIED 15.090224

ATTENDANCE

Cr A Clarke left the meeting at 9:07am

In the absence of Cr Clarke Cr E Camp took the Chair.

FINANCE REPORT

ATTENDANCE

Cr A Clarke re-entered the meeting at 9:10am

Cr A Clarke took the Chair.

Finance Report – Cash Report **Revenue and Expenditure Report**

Moved Cr T Murray
Seconded Cr E Camp

That the Cash report and Revenue & Expenditure Report for the month ended 31 January 2009 be received.

CARRIED 16.090224

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Annual Report & Audit Financial Statements 2007/08

The financial statements have received an unqualified audit. The auditors have provided a comprehensive listing of matters arising from the audit that need to be addressed in the 2008/2009 financial year. Council is still in a strong position financially.

**Moved Cr E Camp
Second Cr T Forshaw**

That the Annual Report and the Audited Financial Statements for the year ended 30 June 2008 be adopted.

CARRIED 17.090224

ATTENDANCE

Cr T Forshaw left the meeting at 9:19am.

**Moved Cr B Olive
Seconded Cr T Murray**

That Council note the final audit results report from WHK-TCM Smith Audit Partnership for the year ended 30 June 2008.

CARRIED 18.090224

ATTENDANCE

Cr T Forshaw re-entered the meeting at 9:21am.

GENERAL BUSINESS

Australia Day 2010

**Moved Cr T Murray
Second Cr B Olive**

That consideration be given to providing funds in the 2009/2010 budget preparations for 2010 Australia Day celebrations.

CARRIED 19.090224

Regional & Local Community Infrastructure Funding

Council has the opportunity to apply for federal funding under this program. Applications closed Friday 20 February 2009 but Council has been invited to submit a late applications. Projects will only be considered where Council is seeking a contribution of at least \$2 million. A project previously identified is a multipurpose centre in Burketown. The Rodeo Committee had also previously prepared an application under different funding for a centre at the Rodeo Grounds.

ATTENDANCE

Cr E Camp left the meeting at 9:55am

Cr E Camp re-entered the meeting at 9:56am

Declaration of Interest – Cr T Murray declared a conflict of interest in this matter as a member of the Rodeo Committee and remained in the chambers.

**Moved Cr E Camp
Second Cr B Olive**

That Council apply for funding for a multi-purpose centre at the Rodeo Grounds in Burketown through the Regional and Local Community Infrastructure Program.

CARRIED 20.090224

Cr T Murray voted for this motion.

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Energy Audit

Council had previously requested that Burke Shire undertake an Energy Audit for the purposes of future funding possibilities.

Moved Cr T Murray
Second Cr T Forshaw

That the Acting Chief Executive Officer provide Council with an update of the status of this matter at a later meeting.

CARRIED 21.090224

Move into Closed Session

Moved Cr T Murray
Seconded Cr T Forshaw

That Council move into a closed session to discuss staffing matters.

CARRIED 22.090224

Move into Open Session

Moved Cr T Murray
Seconded Cr T Forshaw

That Council move out of closed session.

CARRIED 23.090224

CONSIDERATION OF RECOMMENDATIONS ARISING FROM CLOSED SESSION

Position of Works Manager

Moved Cr B Olive
Seconded Cr E Camp

That the Acting Chief Executive Officer be delegated authority to negotiate and accept a contract with the preferred candidate for the Works Manager in consultation with the Mayor.

CARRIED 24.090224

Position of Acting Chief Executive Officer

Moved Cr T Forshaw
Seconded Cr T Murray

That the Mayor be delegated authority to negotiate and accept a contract with Mr Fred de Waard for the position of Acting Chief Executive Officer.

CARRIED 25.090224

Recruitment of Replacement Chief Executive Officer

Moved Cr B Olive
Second Cr E Camp

That the Acting Chief Executive Officer commence the recruitment process for obtaining a permanent Chief Executive Officer utilising the services of the Local Government Association of Queensland.

CARRIED 26.090224

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CLOSURE OF MEETING

The Chair declared the Meeting closed at 11:15am.

MINUTES CERTIFICATE

I hereby certify that these pages numbered 1 to 8 constitute the confirmed minutes of the meeting of Burke Shire Council held on Tuesday 24 and Wednesday 25 February 2009.

These Minutes were confirmed on the 18th March 2009.

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MAYOR

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