



CENTRAL COAST COUNCIL

Minutes

of a Special Meeting

6 NOVEMBER 2007

Note:
Minutes subject to confirmation at
a meeting of the Council to be held on
29 January 2008

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Minutes of a special meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 6 November 2007 commencing at 7.30pm

Councillors attendance

Cr Mike Downie (Mayor)	Cr Brian Robertson (Deputy Mayor)
Cr Warren Barker	Cr Jan Bonde
Cr Lionel Bonde	Cr John Deacon
Cr Cheryl Fuller	Cr Ken Haines
Cr Gerry Howard	Cr Terry McKenna
Cr Tony van Rooyen	

Cr David Dry attended at 7.33pm

Councillors apologies

Cr Dry (for the early part of the meeting)

Employees attendance

General Manager (Mrs Katherine Schaefer)
Director Assets & Engineering (Mr Bevin Eberhardt)
Director Corporate & Community Services (Ms Sandra Ayton)
Executive Services Manager (Mr Graeme Marshall)

Media attendance

The media was not represented at this meeting.

Public attendance

Four members of the public attended during the course of the meeting.

Prayer

The meeting opened in prayer.

MAYOR'S COMMUNICATIONS

400/2007 Authority for special meeting

The Mayor reported as follows:

“This special meeting of the Council has been convened at my direction. Only the items on the agenda may be discussed.”

- Cr Robertson moved and Cr Mckenna seconded, “That the Mayor's report be received.”

Carried unanimously

401/2007 Adjournment of meeting

The Mayor reported as follows:

“I will briefly adjourn the meeting at this time to extend appreciation to Mr Tony MacCormick who gave his time to moderate proceedings at the candidates' forum held prior to the postal ballot for the 2007 Local Government Elections.”

A gift was presented to Mr MacCormick and, following his response, the Mayor resumed the meeting.

Cr Dry attended the meeting at this stage.

402/2007 Pecuniary interest declarations

The Mayor reported as follows:

“Councillors are requested to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.”

The General Manager reported as follows:

“The *Local Government Act 1993* provides that a councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.



Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

403/2007 Declaration of poll following the holding of the 2007 Local Government Elections

The General Manager reported as follows:

"PURPOSE

This report is to record the advice of the declaration of the poll of the 2007 Local Government Elections.

BACKGROUND

The Council has 12 Councillors (elected members). Except where a Councillor is elected to fill a casual vacancy, each Councillor serves a four-year term. Half the number of Councillors retire every two years. The term of a Councillor elected to a casual vacancy by means of a recount ends at the next ordinary election. One such term ended at this election.

In addition to the six vacancies for retiring Councillors, a seventh vacancy was included at this election as a consequence of the recent death of Cr Rodney Cooper.

The Council has a Mayor and Deputy Mayor, each appointed for a term of two years.

A poll in respect to the election of Mayor, Deputy Mayor and Councillors is conducted simultaneously by a system of postal voting. The election is conducted by the Electoral Commissioner, Tasmanian Electoral Commission.

For the 2007 Local Government Elections the following elections were scheduled to take place:

- . Election of seven Councillors
- . Election of Mayor
- . Election of Deputy Mayor.

On 1 November 2007 Mr Andy Brockbank, Returning Officer for the Central Coast Council election, declared the following candidates elected (in order of election) as Councillors:

- . Cr Brian Robertson
- . Cr John Deacon
- . Cr Cheryl Fuller
- . Cr David Dry
- . Cr Ken Haines
- . Cr Lionel Bonde
- . Cr Gerry Howard.

The first six candidates have been elected for the next four-year term.

The seventh candidate has been elected for a two-year term which will conclude at the same time in 2009 as will the balance of the term of the remaining five, previously elected Councillors.

On 1 November 2007 Mr Andy Brockbank, Returning Officer for the Central Coast Council election, declared the following candidates elected for the offices of Mayor and Deputy Mayor for the next two-year term:

- . Cr Mike Downie as Mayor
- . Cr Brian Robertson as Deputy Mayor.

The Returning Officer has provided a copy of the Certificate of Election. A copy is attached.

For the purposes of record it is noted that:

- . nineteen candidates nominated for election to the office of Councillor;
- . one candidate nominated for election to the office of Mayor;
- . six candidates nominated for election to the office of Deputy Mayor;
- . all sitting Councillors whose term had expired nominated for re-election and five were returned to office;
- . two new Councillors were elected;
- . Cr Mike Downie was returned as Mayor;
- . Cr Brian Robertson was returned as Deputy Mayor;
- . the number of electors enrolled for the election was 15,856 (comprising the General Manager's enrolment of 72 and the House of Assembly enrolment of 15,784); and
- . the formal vote received for the election of Councillors was 56.98%.

DISCUSSION

Discussion is not relevant to this report.

GENERAL MANAGEMENT

CONSULTATION

The Council funded the holding of a candidates' forum which was held (prior to the postal ballot) on 11 October 2007.

IMPACT ON RESOURCES

The Estimates provide a budgeted sum for the conduct of elections.

CORPORATE COMPLIANCE

The *Local Government Act 1993* provides the statutory process for the conduct of elections.

CONCLUSION

It is recommended that the General Manager's report be received."

The Executive Services Manager reported as follows:

"A copy of the Certificate of Election has been circulated to all Councillors."

- Cr Haines moved and Cr van Rooyen seconded, "That the General Manager's report (a copy of the Certificate of Election being appended to and forming part of the minutes) be received."

Carried unanimously

404/2007 Declaration of office as Mayor, Deputy Mayor or Councillor following the holding of the 2007 Local Government Elections

The General Manager reported as follows:

"PURPOSE

This report is to provide for and record the declaration of office as Mayor, Deputy Mayor and Councillor in respect of the newly elected Mayor, Deputy Mayor and Councillors.

BACKGROUND

The *Local Government Act 1993* (s.321) provides as follows:

- '(1) Any person elected as a councillor must make a prescribed declaration in a prescribed manner.
- (2) A person elected as a councillor who has not made a declaration must not-
 - (a) act in the office of councillor, mayor or deputy mayor; or
 - (b) take part in the proceedings of any meeting of the council or a committee.
- (3) A council is to acknowledge the making of a declaration at its meeting and the general manager is to record that fact in the minutes of that meeting.'

The following declarations have been made and the appropriate forms completed:

- . Cr Mike Downie as Mayor (two years)
- . Cr Brian Robertson as Councillor (four years) and Deputy Mayor (two years)
- . Cr John Deacon as Councillor (four years)
- . Cr Cheryl Fuller as Councillor (four years)
- . Cr David Dry as Councillor (four years)
- . Cr Ken Haines as Councillor (four years)
- . Cr Lionel Bonde as Councillor (four years)
- . Cr Gerry Howard as Councillor (two years).

The new elected members, namely Crs Fuller and Howard, have been provided with copies of the following documents:

- . *Local Government Act 1993, Local Government (General) Regulations 2005 and Local Government (Meeting Procedures) Regulations 2005;*
- . Corporate Folder comprising the Annual Plan, Estimates, and Fees and Charges for the year ending 30 June 2008, and the Annual Report for the year ended 30 June 2007;
- . Central Coast Strategic Plan 2004–2009;
- . Central Coast S.46 Planning Scheme No. 1 of 1993 and draft Central Coast Planning Scheme 2005; and
- . Current issue of 'GM's desk'.

DISCUSSION

Discussion is not relevant to this report.

GENERAL MANAGEMENT

CONSULTATION

Consultation is not relevant to this report.

IMPACT ON RESOURCES

This report has no impact on resources.

CORPORATE COMPLIANCE

The *Local Government Act 1993* provides for the making of declarations by the Mayor, Deputy Mayor and Councillors upon their election and prior to taking office.

CONCLUSION

It is recommended that the General Manager's report be received."

- Cr McKenna moved and Cr (J) Bonde seconded, "That the General Manager's report be received."

Carried unanimously

405/2007 Payment of allowances to the Mayor, Deputy Mayor and Councillors and the reimbursement of expenses (351/2005 – 08.11.2005)

The General Manager reported as follows:

"PURPOSE

The purpose of this report is to record the payment of allowances and to review the Council's policy in respect of the reimbursement of expenses to the Mayor, Deputy Mayor and Councillors.

BACKGROUND

The payment of annual allowances and the reimbursement of expenses to the Mayor, Deputy Mayor and Councillors is determined by the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*.

Regulation 42 of the Regulations provides as follows:

- '(1) The annual allowances payable to mayors, deputy mayors and councillors for the period of 12 months starting on 1 November 2004 are as specified in Schedule 4.

- (2) The allowances payable in each subsequent period of 12 months starting on 1 November –
 - (a) take effect from that date each year; and
 - (b) are calculated by multiplying the allowances for the previous year by the inflationary factor for the current year.
- (3) The annual allowance is to be paid in monthly or fortnightly instalments.'

As at 1 November 2007, the allowances specified in Schedule 4 as applicable to the Central Coast Council are:

. Mayor	\$45,812.88
. Deputy Mayor	\$12,544.00
. Councillor	\$10,362.44

The Department of Premier and Cabinet has provided a Councillor Allowances Information Sheet. A copy is attached.

Schedule 5 of the Act provides as follows:

'1. Expenses

- (1) A council, on or before 1 January 2006, is to –
 - (a) adopt a policy in respect of payment of expenses incurred by councillors in carrying out the duties of office; and
 - (b) make a copy of the policy available for public inspection.
- (2) A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under subclause (1) in relation to –
 - (a) any prescribed expenses; and
 - (b) any other expenses the council determines appropriate.

2. Loan of services, facilities and equipment

A council may decide to provide support services, facilities and equipment on loan to a councillor on any conditions it considers appropriate.'

Regulation 43 of the Regulations provides as follows:

‘A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to–

- (a) telephone rental and telephone calls; and
- (b) travelling; and
- (c) care of any child of the councillor.’

The Council has an existing policy as follows:

- ‘1 That the Council reimburse the cost of one household telephone rental;
- 2 That the Council reimburse the cost of all telephone calls where a signed claim has been submitted nominating the basis of the call;
- 3 That the Council (a) reimburse the cost of one equivalent household telephone rental in respect of the operation of a mobile telephone or (b) provide to the Councillor’s home a facsimile machine of which the Council will accept the cost of the hardware, service and maintenance (the machine remaining the property of the Council at all times) and the Councillor accepting the cost associated with all consumables and costs of operation;
- 4 That, subject to availability from surplus operating stock, the Council make available to Councillors a PC rather than the options in 3 above and (remaining the property of the Council at all times) PCs being supplied with:

Microsoft XP operating system
Microsoft Outlook – for email
Microsoft Excel – viewer
Microsoft Powerpoint – viewer
Microsoft Word – viewer,

and with (a) the installation for internet access being paid for by the Council with the ongoing cost being the Councillor’s responsibility; (b) the Council setting up the PC at the Councillor’s residence and connecting it to the internet; (c) any software in addition to the above being the responsibility of the Councillor to purchase, install and maintain; and (d) training in the use of the PC and software, including use of email, being provided by the Ulverstone Online Access Centre;

- 5 That, on a half-yearly basis in the months of December and June, the Council reimburse a claim for travelling which has occurred as a result of a decision of the Council or the General Manager and is able to be automatically recorded within the records of the Council;
- 6 That the Council provide a fully serviced six-cylinder sedan (the sedan remaining the property of the Council at all times) to the Mayor for use on business of the Council;
- 7 That the Council reimburse a claim for the care of any child of the Councillor where a copy of an account of the carer is provided and the period of the child care matches the approved business of the Council;
- 8 That the Council accept responsibility for the payment of all reasonable costs of registration fees, travel, accommodation and meals in respect of the attendance by any Councillor at an approved conference, meeting, training session or the like; and
- 9 That all Councillors be urged to retain records of expenses for taxation purposes.'

DISCUSSION

In conjunction with the Director Corporate & Community Services, the policy has been reviewed. Some minor modifications are proposed for points 1, 2, 3, 4 and 6. Otherwise, the policy is considered to retain the essential and relevant ingredients.

CONSULTATION

Consultation is not relevant to this report,

IMPACT ON RESOURCES

The Estimates provide a budgeted sum for the payment of allowances and the reimbursement of expenses to elected members.

CORPORATE COMPLIANCE

The *Local Government Act 1993* and the *Local Government (General) Regulations 2005* provide for the payment of allowances and the reimbursement of expenses to elected members.

CONCLUSION

It is recommended that the Council adopt the following policy in respect of payment of expenses incurred by Councillors in carrying out the duties of office and in respect of the loan of services, facilities and equipment:

- 1 That the Council reimburse the cost of one household telephone rental and also the cost of a separate line for facsimile machine or computer;
- 2 That the Council reimburse the cost of all telephone calls where a signed claim has been submitted nominating the basis of the call. These claims for reimbursement of rental and calls are to be lodged within the financial year to which they apply;
- 3 That the Council provide to the Councillor's home a facsimile machine of which the Council will accept the cost of the hardware, service and maintenance (the machine remaining the property of the Council at all times) and the Councillor accepting the cost associated with all consumables and costs of operation;
- 4 That, subject to availability from surplus operating stock, the Council make available to Councillors a PC rather than the options in 3 above and (remaining the property of the Council at all times) PCs being supplied with:

Microsoft XP operating system
Microsoft Outlook – for email
Microsoft Excel – viewer
Microsoft Powerpoint – viewer
Microsoft Word – viewer,

and with (a) the installation for internet access being paid for by the Council with the ongoing cost being the Councillor's responsibility; (b) the Council setting up the PC at the Councillor's residence and connecting it to the internet; (c) any software in addition to the above being the responsibility of the Councillor to purchase, install and maintain; and (d) training in the use of the PC and software, including use of email, being provided by the Ulverstone Online Access Centre. After initial installation, Councillors are to arrange their own support for the computer in their residence;

- 5 That, on a half-yearly basis in the months of December and June, the Council reimburse a claim for travelling which has occurred as a result of a decision of

the Council or the General Manager and is able to be automatically recorded within the records of the Council;

- 6 That the Council provide a fully serviced six-cylinder sedan (the sedan remaining the property of the Council at all times) for the Mayor in the exercise of his/her duties and functions as Mayor. The vehicle is only to be used for bona fide Council business and is to be garaged at the Mayor's residence;
- 7 That the Council reimburse a claim for the care of any child of the Councillor where a copy of an account of the carer is provided and the period of the child care matches the approved business of the Council;
- 8 That the Council accept responsibility for the payment of all reasonable costs of registration fees, travel, accommodation and meals in respect of the attendance by any Councillor at an approved conference, meeting, training session or the like; and
- 9 That all Councillors be urged to retain records of expenses for taxation purposes."

The Executive Services Manager reports as follows:

"A copy of the Councillor Allowances Information Sheet has been circulated to all Councillors."

■ Cr Robertson moved and Cr van Rooyen seconded, "That the Council adopt the following policy in respect of payment of expenses incurred by Councillors in carrying out the duties of office and in respect of the loan of services, facilities and equipment:

- 1 That the Council reimburse the cost of one household telephone rental and also the cost of a separate line for facsimile machine or computer;
- 2 That the Council reimburse the cost of all telephone calls where a signed claim has been submitted nominating the basis of the call. These claims for reimbursement of rental and calls are to be lodged within the financial year to which they apply;
- 3 That the Council provide to the Councillor's home a facsimile machine of which the Council will accept the cost of the hardware, service and maintenance (the machine remaining the property of the Council at all times) and the Councillor accepting the cost associated with all consumables and costs of operation;

GENERAL MANAGEMENT

- 4 That, subject to availability from surplus operating stock, the Council make available to Councillors a PC rather than the options in 3 above and (remaining the property of the Council at all times) PCs being supplied with:

Microsoft XP operating system
Microsoft Outlook – for email
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and with (a) the installation for internet access being paid for by the Council with the ongoing cost being the Councillor's responsibility; (b) the Council setting up the PC at the Councillor's residence and connecting it to the internet; (c) any software in addition to the above being the responsibility of the Councillor to purchase, install and maintain; and (d) training in the use of the PC and software, including use of email, being provided by the Ulverstone Online Access Centre. After initial installation, Councillors are to arrange their own support for the computer in their residence;

- 5 That, on a half-yearly basis in the months of December and June, the Council reimburse a claim for travelling which has occurred as a result of a decision of the Council or the General Manager and is able to be automatically recorded within the records of the Council;
- 6 That the Council provide a fully serviced six-cylinder sedan (the sedan remaining the property of the Council at all times) for the Mayor in the exercise of his/her duties and functions as Mayor. The vehicle is only to be used for bona fide Council business and is to be garaged at the Mayor's residence;
- 7 That the Council reimburse a claim for the care of any child of the Councillor where a copy of an account of the carer is provided and the period of the child care matches the approved business of the Council;
- 8 That the Council accept responsibility for the payment of all reasonable costs of registration fees, travel, accommodation and meals in respect of the attendance by any Councillor at an approved conference, meeting, training session or the like; and
- 9 That all Councillors be urged to retain records of expenses for taxation purposes."

Carried unanimously

406/2007 Acknowledgement of former Councillors

The General Manager reported as follows:

"PURPOSE

The purpose of this report is to invite acknowledgement of the contributions made to the Council by former Councillor Beryl Marshall.

BACKGROUND

Former Councillor Marshall was an unsuccessful candidate for re-election at the Local Government Elections 2007.

DISCUSSION

Cr Marshall served for seven years, having been elected to the Council on 2 November 2000 and re-elected on 28 October 2005. She also served previously from 1993 to 1998.

CONSULTATION

Consultation is not relevant to this report.

IMPACT ON RESOURCES

Should the Council adopt the recommendation in this report, there will be minor expenses associated with Certificate of Service preparation and meal costs.

CORPORATE COMPLIANCE

Corporate compliance is not relevant to this report.

CONCLUSION

It is recommended that a 'minute of appreciation' be recorded in acknowledgement of the contributions of former Councillor Marshall and that she be invited as a guest to the Council's meeting on 17 December 2007 to receive a Certificate of Service to the Council."

- Cr Deacon moved and Cr (J) Bonde seconded, "That a 'minute of appreciation' be recorded in acknowledgement of the contributions of former Councillor Beryl Marshall and that she be invited as a guest to the Council's meeting on 17 December 2007 to receive a Certificate of Service to the Council."

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 7.45pm.

CONFIRMED THIS 29TH DAY OF JANUARY, 2008.

Chairperson

(gjm:dil)

Appendix

Minute No. 403/2007 – Certificate of Election

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

. A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

. A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Council within these minutes:

(i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and

(ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Katherine Schaefer
GENERAL MANAGER