

SHIRE OF KOJONUP



Special Council Minutes

7th April 2008

8.00am

SHIRE OF KOJONUP

MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The President opened the meeting at 8.05am alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.

The President read the following statement:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

| | |
|--------------------------|------------------------|
| Cr Jill Mathwin | Shire President |
| Cr Jane Trethowan | Deputy Shire President |
| Cr Will Carrington-Jones | |
| Cr Rosie Hewson | |
| Cr Ernie Graham | |
| Cr Greg Marsh | |
| Cr Frank Pritchard | |
| Cr Michael Baulch | |

| | |
|-----------------|-------------------------|
| Mr Stephen Gash | Chief Executive Officer |
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APOLOGIES

ABSENT

Cr John Benn

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

Nil

7 ANNOUNCEMENTS by the Presiding Member without discussion.

- a. No other issues would be discussed other than those on the agenda
- b. The format would be changed and Item 10.2 would be considered before Item 10.1

8 PETITIONS, DEPUTATIONS & PRESENTATIONS**9 DECLARATIONS OF INTEREST**

The Chief Executive Officer, Mr Stephen Gash, declared a financial interest in Item 10.2

ORDER OF BUSINESS

The President notified a change in order of business to consider Item 10.2 first.

10 CONFIDENTIAL REPORTS

Item 10.2 was presented for consideration as announced by the Presiding Member

8.10am The Chief Executive Officer, Mr Stephen Gash, left the chamber

10.2 CHIEF EXECUTIVE OFFICER'S TRAVEL ARRANGEMENTS – ASSET MANAGEMENT CONFERENCE 9th and 10th APRIL 2008

AUTHOR: Kim Dolzadelli – Acting Chief Executive Officer
 DATE: Thursday, 3 April 2008
 FILE NO:
 ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To discuss the Chief Executive Officer's travel arrangements to attend the Asset Management conference to be held in Melbourne 9th and 10th April 2008.

BACKGROUND

The Chief Executive Officer, Mr Stephen Gash, is entitled under the terms of his contract to attend the annual State conference of the Local Government Managers Association LGMA each year. This costs approximately \$1,500pa including registration and accommodation and is part of his employment package, however due to other Shire priorities the CEO did not attend the State LGMA conference over the last two years.

Given the importance of asset management to achieving the strategic plan the Chief Executive Officer has already discussed the matter at a briefing session on 18th March 2008 and advised he would be attending the "2008 National Local Government Asset Management and Public Works Engineering Conference" in Melbourne on 9-10 April 2008, in lieu of his entitlement to the LGMA conference for 2008.

The cost of the asset management conference including registration, flights and accommodation is \$1,820 and covered within the training budget.

At the briefing on 18 March 2008 it was also outlined that the Chief Executive Officer was recalled to work one week early from his annual leave at the start of March 2008 to address urgent issues regarding the current legal action against the Shire, an emergency management grant, and to attend Albany for the regional cabinet session/meeting with Ministers where possible. This took him away from time he had planned to spend with his family.

The value of the leave foregone by the employee was approximately \$1,890 gross and the Chief Executive Officer gave the Council the option of reinstating the leave or allowing his wife to attend the asset management conference with him and extend his stay by two days.

COMMENT

The value of the private travel and extra accommodation sought by the Chief Executive Officer under this arrangement is \$920. Based on FBT of 46.5% the gross cost to the Shire would be \$1,720. This is

less than the \$1,890 value of the leave foregone by the Chief Executive Officer in returning from leave early.

The recall from work was justified by securing approximately \$12,000 towards the solar power upgrade of the bushfire repeater station which, given the previous change to the grant conditions was looking like would be required to be funded solely from Council's own source funds. The Chief Executive Officer also attended Albany to meet with the Premier and the Minister for Sport and Recreation and after the success of Kojonup's grant application for \$139,500 for two synthetic bowling greens was announced the Chief Executive Officer was able to immediately assist the bowling club book the installation to secure its place in the queue.

The Chief Executive Officer has stated will not seek to recover any balance of leave. The seven (7) Councillors present supported the concept, to allow bookings to be made and Council is being asked to formally endorse the travel arrangement prior to it being taken.

CONSULTATION

None required

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

There is no policy on spouse travel, however, the amount is an offset of conditions of employment rather than additional cost to Council.

FINANCIAL IMPLICATIONS

There is no budget impact as the arrangement is an offset of the Chief Executive Officer's entitlements. FBT is included in the calculations.

The attendance at the asset management conference by the Chief Executive Officer does not require approval of Council and \$1,820 in registration, flight and accommodation expenses have already been processed.

Should Council not approve the private component of \$920 net, the extra accommodation can be cancelled without penalty and value of flight credited.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – Absolute Majority

OFFICER RECOMMENDATION

That the attendance of the Chief Executive Officer at the Asset Management Conference 9th – 10th April 2008 be noted.

That there is no future liability on the Council for non attendance at the 2007 and 2008 Local Government Managers Association WA State Conference.

That there is no further claim for reinstatement or payment of leave foregone for the period 3rd to 7th March 2008, and that both parties agree the current payroll records document that the Chief Executive Officer as taken leave over this period.

That Council approve the payment of a return flight Perth – Melbourne for Ms Linda Royce to accompany the Chief Executive Officer, to a maximum of \$600.

That Council approve the payment of an extra two nights accommodation in Melbourne to a maximum of \$320.

That Council note the expenditure of \$920 is subject to FBT and offset against the employment entitlements of the Chief Executive Officer.

COUNCIL DECISION

173/08 **MOVED** Cr Trethowan seconded Cr Carrington-Jones that the attendance of the Chief Executive Officer at the Asset Management Conference 9th – 10th April 2008 be noted.

That there is no future liability on the Council for non attendance at the 2007 and 2008 Local Government Managers Association WA State Conference.

That there is no further claim for reinstatement or payment of leave foregone for the period 3rd to 7th March 2008, and that both parties agree the current payroll records document that the Chief Executive Officer as taken leave over this period.

That Council approve the payment of a return flight Perth – Melbourne for Ms Linda Royce to accompany the Chief Executive Officer, to a maximum of \$600.

That Council approve the payment of an extra two nights accommodation in Melbourne to a maximum of \$320.

That Council note the expenditure of \$920 is subject to FBT and offset against the employment entitlements of the Chief Executive Officer.

CARRIED

8/0

8.20am The Chief Executive Officer, Mr Stephen Gash, returned to the chamber

The Presiding Member, Cr Jill Mathwin Informed the Chief Executive Officer of the council decision relating to Item 10.2.

10.1 **REPORT ON STATUS OF CURRENT LEGAL ACTION – W Lenyszyn**

AUTHOR: Kim Dolzadelli – Acting Chief Executive Officer
DATE: Thursday, 3 April 2008
FILE NO:
ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To discuss current status of legal action.

BACKGROUND

COMMENT

CONSULTATION

None required

STATUTORY ENVIRONMENT

Section 5.23 (2) (d) of the Local Government Act as the item relates to legal advice and contains confidential information.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – Simple Majority**OFFICER RECOMMENDATION**

That the meeting be closed to the public pursuant to Section 5.23 (2) (d) of the Local Government Act as the item relates to legal advice and contains confidential information.

COUNCIL DECISION

174/08 **MOVED Cr Hewson seconded Cr Marsh that the meeting be closed to the public pursuant to Section 5.23 (2) (d) of the Local Government Act as the item relates to legal advice and contains confidential information.**

CARRIED**8/0**

The Chief Executive Officer provided a confidential verbal briefing regarding the status, process, and timing on the current Supreme Court defence against a claim by W Lenyszyn.

COUNCIL DECISION

175/08 **MOVED Cr Marsh seconded Cr Carrington-Jones that the meeting be re-opened to the public.**

CARRIED**8/0**

No resolutions were made or documents were tabled.

No members of the public returned to the meeting.

11 **CLOSURE**

There being no further notice of business for the Special Meeting under section 5.5 of the Local Government Act 1995, the President thanked the members for their attendance and declared the meeting closed at 9.30 am.

12 **ATTACHMENTS**

Nil

 Presiding Member

 Date