MINUTES
Yarrabah Aboriginal Shire Council
Ordinary Meeting
17th April, 2014

PRESENT:

Errol Neal	*Mayor*
Mark Wilson	*Deputy Mayor*
Henry Miller	*Councillor*
Bevan Walsh	*Councillor*
Malcolm Canendo	*Councillor*

APOLOGIES:

STAFF:

James Gott	*Chief Executive Officer*	*10:08am*	*5:13pm*
Henry Miller	*Acting Executive Manager – Works and Infrastructure*	*3:55pm*	*4:15pm*
Jemma Lichtenfeld	*Executive Manager – Corporate Services*	*11:50am*	*1:12pm*
Conrad Yeatman	*Executive Manager – Community Services*	*3:15pm*	*3:55pm*

VISITORS:

01. WELCOME, OPENING OF MEETING and PRAYER

Mayor Errol Neal declared the meeting open at 10:08hrs. The councillors and staff members present were welcomed to the meeting. Mayor asked the council if there were any apologies for the meeting and reminded the councillors of the need to declare their conflicts of interest as required for items in the meeting.

Prayer to open the meeting – Cr Henry Miller.

02. CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01:17/04/2014 – That the Council – defer confirmation of the minutes of the meeting of 20th March 2014 until Mr Elmer is available to discuss the same.

MOVED:	Cr. Canendo	CARRIED.
SECONDED:	Cr. Miller	

03. BUSINESS ARISING FROM PREVIOUS MINUTES

Councillor	Comment
Mayor	
Deputy Mayor Wilson	
Cr Miller	
Cr Canendo	
Cr Walsh	

04. MATTERS FOR DECISION

4.1	CEO	Governance & Corporate Priorities

Summary/Purpose:
To provide direction to the Acting Chief Executive Officer to a priority schedule for corporate projects.

RESOLUTION 02: 17/04/2014 – That the Council – instruct the Chief Executive Officer to place priority upon Organisational Structure Review, Deep Water Port Vision, Policy Development, Local Law Review and Development, Administrative Directions, Corporate Capacity, Industrial Relations, Alcohol Management Plans and Home Ownership.

MOVED:	Cr. Miller	CARRIED.
SECONDED:	Cr. Wilson	

4.2	CEO	Recruitment of Permanent CEO

Summary/Purpose:
To decide on the recruitment process for the permanent CEO position

RESOLUTION 03: 17/04/2014 – That the Council – accept the LGAQ's quotation of $20,000.00 plus GST and expenses given Council's confidence in the Association and given that it has provided the lowest of the 3 quotations in any case.

MOVED:	Cr. Canendo	CARRIED.
SECONDED:	Cr. Wilson	

4.3	CEO	Administrative Direction Disciplinary Procedure

Summary/Purpose:
Adoption of administrative direction disciplinary procedure

RESOLUTION 04: 17/4/2014 – That the Council – defer consideration of the Yarrabah Aboriginal Shire Council Administrative Direction Disciplinary Procedure until next general meeting.		
MOVED:		Resolved.
SECONDED:		

4.4	CEO	Acting CEO Appointment

Summary/Purpose:
To endorse the actions of the Mayor in appointing Acting CEO James Gott.

RESOLUTION 05: 17/4/2014 – That the Council – confirm and endorse the Mayor's action in appointing James Gott Acting CEO for the period 3rd April 2014 – 30 June 2014.		
MOVED:	Cr. Walsh	CARRIED.
SECONDED:	Cr. Wilson	

4.5	Executive Manager – Corporate Services	Monthly Report

Summary/Purpose:
To provide Council with a monthly update.

RESOLUTION 06: 17/04/2014 – That the Council – adopt the monthly report provided by the Executive Manager Corporate Services		
MOVED:	Cr. Wilson	CARRIED.
SECONDED:	Cr. Canendo	

4.6	Executive Manager – Corporate Services	Conflict of Interest

Summary/Purpose:
To endorse the previous declaration of conflict of interest.

RESOLUTION 07: 17/04/2014 – That the Council – accept the Executive Manager Corporate Services advice that the conflict of interest in respect of M-Sec ITS Pty Ltd was reported to the previous Chief Executive Officer, however it be particularly noted that the previous Chief Executive Officer at no time reported the matter to Council and the Department of Local Government Community Recovery and Resilience to be made aware of this. The current Chief Executive Officer is instructed to impress on all staff the importance of propriety in all dealings and of Council's expectation that any conflicts or perceived conflicts be reported in writing formally. Council recorded that it is disappointed it only became aware of the matter through informal sources.

MOVED:	Cr. Miller	CARRIED.
SECONDED:	Cr. Walsh	

4.7	Executive Manager – Corporate Services	Bank services

Summary/Purpose:
For Council to decide on the future of bank services in the Community.

RESOLUTION 08: 17/04/2014 – That the Council –

- give the community notice that Council is considering determining its relationship with Bendigo Bank after the next several months because of Council's financial position.
- meet with Australian Post to discuss privatisation and
- approach several mainstream banks to ascertain their preparedness or interest in providing services in Yarrabah.

MOVED:	Cr. Canendo	CARRIED.
SECONDED:	Cr. Walsh	

It was moved Cr. Canendo, seconded Cr. Miller that the meeting close to the public to discuss confidential matters at 1:12hrs
Cr. Wilson departed the meeting at 1:30hrs
Cr. Wilson returned to the meeting at 1:32hrs
It was moved Cr. Canendo, seconded: Cr Walsh that the meeting open at 1:40hrs

4.8	Executive Manager – Corporate Services	Darren Kynuna

Summary/Purpose:
Council to approve rent refund to Darren Kynuna having deemed his property at 267 Back Beach Road a non-social house. Having deemed that rent derived since 2009 had unjustly enriched the Council.

RESOLUTION 09: 17/04/2014 – That the Council – defer consideration of the matter of rental refund to Mr Kynuna until the next special meeting.

MOVED:	Cr. Wilson	CARRIED.
SECONDED:	Cr. Canendo	

4.9	Executive Manager – Community Services	Monthly report

Summary/Purpose:
To provide Council with a monthly update.

RESOLUTION 10: 17/04/2014 – That the Council – adopt the monthly report provided by the Executive Manager Community Services.		
MOVED:	Cr. Canendo	CARRIED.
SECONDED:	Cr. Wilson	

4.10	Executive Manager – Works and Infrastructure	Monthly report

Summary/Purpose:
To provide Council with a monthly update.

RESOLUTION 11: 17/04/2014 – That the Council – adopt the monthly report provided by the Acting Executive Manager Works and Infrastructure.		
MOVED:	Cr. Walsh	CARRIED.
SECONDED:	Cr. Canendo	

Attendance: Executive Manager Corporate Services Jemma Lichtenfeld departed the meeting at 3:55hrs

4.11	CEO	McKenna Group Contractors

Summary/Purpose:
Council accept the quotation provided by McKenna Group Contractors for upgrading works to 31 Sawmill Road as specified in Quoted No.: HUP28446 in the sum of $97,052.00.

RESOLUTION 12: 17/04/2014 – That the Council – Council accept the quotation provided by McKenna Group Contractors for upgrading works to 31 Sawmill Road Yarrabah as specified in Quoted No.: HUP28446 in the sum of $97,052.00. In formulating this resolution Council was mindful that the quotation in question was not the lowest however Council is of the view that McKenna Group Contractors provided best value for money whilst not restricting Council's selection criteria to purchase price alone. Council considered that its decision gave rise to the encouragement and development of a competitive Yarrabah and through McKenna Group Contractors' charter would create local employment opportunities and stimulate economic growth within Yarrabah. Council was further of the view that, given McKenna Group Contractors' position within the Yarrabah Community, cultural considerations and concerns would be well addressed.		
MOVED:	Cr. Wilson	CARRIED.
SECONDED:	Cr. Canendo	

4.12	CEO	Review of Purchasing Policy

Summary/Purpose:
Review of Purchasing Policy

RESOLUTION 13: 17/04/2014 – That the Chief Executive Officer be instructed to prepare a draft Purchasing Policy having particular regard to non-price considerations including but not limited to community benefit.		
MOVED:	Cr. Wilson	CARRIED.
SECONDED:	Cr. Walsh	

4.13	CEO	Quotations for Goods and Services

Summary/Purpose:
Quotations for Goods and Services over $15,000.00

RESOLUTION 14: 17/04/2014 – That the Chief Executive Officer be instructed to ensure that all staff refer any and all quotations over $15,000.00 in value to his office for presentation and determination by Council		
MOVED:	Cr. Wilson	CARRIED.
SECONDED:	Cr. Walsh	

4.14	CEO	Housing Committee

Summary/Purpose:
Confirmation of minutes

RESOLUTION 15: 17/04/2014 – That the Council – confirm and endorse the Minutes of the Housing Committee Meeting of 8th April 2014.		
MOVED:	Cr. Wilson	CARRIED.
SECONDED:	Cr. Canendo	

4.15	CEO	Appointment of Senior Staff on Temporary Basis

Summary/Purpose:
Mayor and Deputy Mayor to appoint Senior Management in emergent situations.

RESOLUTION 16: 17/04/2014 – That the Council – authorise the Mayor and Deputy Mayor to appoint Senior Executive Staff on a "pro tempore" basis to cover absences of officers holding substantive Executive positions.		
MOVED:	Cr. Miller	CARRIED.
SECONDED:	Cr. Walsh	

4.16	CEO	Request for Letter of Support

Summary/Purpose:
Request for Letter of Support

RESOLUTION 17: 17/04/2014 – The Council – resolved that the request for Council's provision of a letter of support over the Bundi Lake Rehabilitation proposal be deferred until next ordinary meeting.

MOVED:		Resolved.
SECONDED:		

4.17	CEO	Men's Health Group

Summary/Purpose:
Men's Health Group

RESOLUTION 18: 17/04/2014 – That the – Mayor's action in approving the use of Malcolm Park by the Men's Health Group for the holding of a barbecue on 22/04/2014 be confirmed and endorsed.

MOVED:	Cr. Walsh	CARRIED.
SECONDED:	Cr. Miller	

4.18	CEO	McKenna Group Construction Pty Ltd

Summary/Purpose:
McKenna Group Construction Pty Ltd

RESOLUTION 19: 17/04/2014 – it was resolved that the Chief Executive Officer be instructed to arrange at a mutually convenient time, for McKenna Group Contactors Pty Ltd to make a presentation to Council respect of its suite of services.

MOVED:		RESOLVED.
SECONDED:		

4.19	CEO	Governance Training

Summary/Purpose:
Governance training

RESOLUTION 20: 17/04/2014 – It was resolved that the Chief Executive Officer be instructed to provide governance training to Councillors in the near future.

MOVED:		RESOLVED.
SECONDED:		

4.20	CEO	Premises to Vacated – PCYC

Summary/Purpose:
Premises to be vacated – PCYC

RESOLUTION 21: 17/04/2014 – That the Police Citizens Youth Club be advised that it will be required to vacate its premises at the end of 2014.		
MOVED:	Cr. Wilson	CARRIED.
SECONDED:	Cr. Canendo	

4.21	CEO	Premises to be Vacated – QITE

Summary/Purpose:
Premises to be vacated – QITE

RESOLUTION 22: 17/04/2014 – that the Department of Education, Employment and Workplace Relations be advised of Council's dissatisfaction with the standard of service provided by QITE and that QITE be given notice to vacate it premises as soon as lawfully possible.		
MOVED:	Cr. Miller	CARRIED.
SECONDED:	Cr. Wilson	

06. COUNCILLOR BUSINESS/GENERAL BUSINESS

Councillor	Comment
Mayor Neal	
Deputy Mayor Wilson	
Cr Miller	
Cr Canendo	
Cr Walsh	
Chief Executive Officer	

CLOSE OF MEETING

Date for the next Council Ordinary Meeting 15th May, 2014.

The Mayor thanked the councillors and staff for their participation and attendance at the meeting.

Meeting closed at 5:13hrs

Mayor Errol Neal