



**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 22 JANUARY 2020 AT 9:00AM**

PRESENT: Cr Ross Andrews (Mayor), (Deputy Mayor), Cr Nadine Cannon, Cr Colin Cedric, Cr Ian Patterson

IN ATTENDANCE: Leon Yeatman (CEO), Jemma Lichtenfeld (Director Corporate Services), Shanara Andrews – (PA to the CEO); Avril Yeatman (Director Policies and Governance).

1 WELCOME

Mayor Andrews declared the meeting open at 10.30 am.

The councillors and staff members present were welcomed to the meeting.

One minute silence was observed to respect those who have passed away.

2 APOLOGIES

3 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01. 22/01/2020

That the minutes of the Ordinary Council Meeting held on 11th December Ordinary Meeting and Special Meeting 23rd December 2019 to be adopted.

Moved: Cr Nadine Cannon

Seconded: Cr Ian Patterson

CARRIED

4 BUSINESS ARISING FROM PREVIOUS MINUTES

Mayor Andrews posed a questions for the Audit Committee, regarding audit report, and queried whether issues were being fixed? Actions for Audit Report noted as finalised. Mayor retracted his comments until agenda item to discuss Finance Report.

Item 4. – Jilara Oval, lighting project: Cr. Sands commented about the notes on variations and process for addressing any variation. Noted the project is aimed at coming in on budget. Where variations are required, these will be negotiated using the terms of the contract and authorisation will be managed via CEO financial delegation. Project target to be on time, in scope and within the budget.

Social housing debt. CEO provided an update to Council with respect to addressing the rental arrears. Housing department have been reminded about YASC policy position and reminded about the need to address compliance issue as part of the going concern of the business. A number of non-compliant tenants – high arrears where issued with letters stating concern, identifying options to rectify (make arrangements for payment or matter will be referred to QCAT process). The response to the letters has been positive.. CEO reiterated to the process of keeping everyone under the roof, though need to ensure consistency with that application.

5 DISCLOSURE OF INTEREST COUNCIL / REGISTER UPDATES

The Mayor reminded the councillors of the need to declare their conflicts of interest as required for items in the meeting.

6 MATTERS FOR DISCUSSION

6.1 CEO'S MONTHLY OPERATIONAL REPORT.

CEO presented the report using exceptions reporting. Noted the report covers the operational matters for the previous month.

Management focus remains on change management, business efficiency, compliance, project reporting and preparation for 2020 LG elections – assisting councillors, ECQ and others who are seeking information regarding pre-election processes.

Continued focus on technical projects - performance monitoring (programs / project plans), with emphasis on service delivery and cost saving.

Key issues for the period listed as follows:

1. Team engagement – Service standards and business focus
 2. Business efficiency – Process review and improvements
 3. Operational performance - project plans, TWG
 4. Councils policies and procedures – review activity planning
 5. Strategic policies and plans: Operational Plan – Cascade and Surpact program management database
 6. Stake holder engagement – Monthly community activity
 7. Public infrastructure planning – current asset management and
 8. Trustee – PBC introduction new board members and plan for ILUA review
 9. Meeting participation and representation
 10. Public holiday – festive season and Survival day planning
 11. Tenancy management – noisy parties, rental arrears
 12. Water quality Management plan – Amendment and Customer Service Standard
 13. Animal Management – AMERICC quote
 14. Disaster Management – training, fire preparedness and Get Ready Yarri messaging
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15. Website: content update and access

Action items: CEO to issue letter to QFES querying process for local officers to be included in the strategy to support bush fires in the south. YASC supports our officers and are willing to assist where appropriate.

RESOLUTION 02. 22/01/2020

That Council resolve to adopt the CEO's report, tabled as read.

Moved: Cr Nadine Cannon

Seconded: Cr Colin Cedric

CARRIED

11.39am Meeting adjourned

11:59am Meeting reconvened

6.2 FINANCE REPORT - DECEMBER 2019

As per Local Government Regulation 2012, Chapter 5 Financial planning and accountability s204 a local government must prepare a financial report and present it at the monthly Council meeting.

The following departments profit & loss statements require monitoring and have been included for your attention:

- Parks & Gardens;
- Pool;
- RTC;
- Works Office;
- WPHS;
- IVAIS Grant;
- Arts BIA Grant;
- Boilermakers &
- Waste Management

Council instructed the CEO to ensure appropriate process of communication is in place with the respective department so they are clear about the issues at hand, strategy options to mitigate risks and operational review process to ensure the identified issues are appropriately managed as a going concern.

Action Item: CEO, Corporate Services Director, Community Services Director, Works Director and HR Director to review matters listed and implement the appropriate strategies to discuss financial issues (as a team and then per department) to ensure the issue is clearly understood, officers with day to day management responsibilities are aware and empowered to assist with process management going forward. Objective is to improve internal communication, assist teams to understand their responsibilities for program implementation/spending and encourage performance improvement.

RESOLUTION 03. 22/01/2020

That Council resolve to accept the December 2019 monthly financial reports, which includes:

1. Operating Results as at 31 December 2019.
2. Grant Balance
3. General Ledger Report

Moved: Cr Nadine Cannon

Seconded: Cr Colin Cedric

CARRIED

6.3 TENDER AWARD - PROFESSIONAL SERVICES 2019-2021

As per Local Government Regulations 2012 and Council's Procurement Policy, Council advertised tender calling for Expressions of Interests from Professional Services to be registered on our list of Pre-Qualified Suppliers.

The advert was listed in the Cairns Post 26th October 2019 and also registered in LG Tenderbox.

Tenders closed 18th November 2019.

The professional services categories were listed as follows:

- *Architectural Services;*
- *Building Certification;*
- *Building Design;*
- *Day Care Accreditation;*
- *Day Care & Library Resources & Materials;*
- *Drug & Alcohol Testing In The Workplace;*
- *Economic Development;*
- *Electrical – Switchboard Design, Supply & Installation; Scada Installation, Maintenance & Operation;*
- *Mountain Bike & Recreation Trails – Design & Construction;*
- *Project Management (Civil Works);*
- *Structural Engineering;*
- *Town Planning;*
- *Veterinary Services;*
- *Workplace Investigations;*
- *YASC Newsletter.*

RESOLUTION 04. 22/01/2020

That Council resolve to include the above list of suppliers on Councils' list of Pre-Qualified Suppliers for Professional Services for 2019-2021.

Moved: Cr Colin Cedric

Seconded: Cr Nadine Cannon

CARRIED

6.4 FNQ MONSOON GRANT_TENDER ASSESSMENT REPORT

Funding secure from Dept. of Communities - NQ Monsoon funding program for Floodtide Sensors and Community Dashboard (**grant value \$277,899**) project.

As per the Local Government Regulations 2012 section 226 and 228 for purchases over \$200,000, this project was advertised for tender. In accordance with procurement process, the advert appeared in the Cairns Post on 2nd November 2019 and also posted in 'LG Tenderbox'. Tenders closed on 22nd November 2019.

It must be noted that Community Dashboard assisted with the original grant application – they had knowledge of the project and budget prior to submitting their tender. This was factored into the review process and whilst this knowledge made evaluation using open and effective competition principles difficult, the recommendation supplied has considered other factors which we believe council can rely on to make their decision.

3 tenders were received. Tenders were evaluated on the following criteria and weightings (Non price 80% and Price criteria 20%).

Panel were confident the process meets the criteria prescribed under of LGR12 s. 226 & 228.

The preferred tender price demonstrates value for money and is within the project budget - \$277,889.00.

Risk assessment:

QIT Plus was assessed as low. They scored a highly in their non-price criteria. Their relevant experience, skills and experience and resources all rated highly. QIT also has a **number of projects** active in a number of other councils.

Community Dashboard only have 2 staff allocated to the project this was factored as a risk. Non price considerations were second to QIT plus. Community Dashboard has **a project** active at Torres Strait Regional Authority.

QIT Plus ongoing annual costs of \$5,700 per annum (after an initial 5 year period) for licenses and continued employment of a communication officer - will need to be budgeted for going forward.

The value of the project exceeds delegation for CDO approval.

Risk management applied – tender review. Applicant access to information and risk identified as low.

Two projects are combined under this process.

RESOLUTION 05. 22/01/2020

That Council resolve to award the tender for the Floodtide Sensors and Community Dashboard (YASC 2019-004) to QIT Plus to the value of \$275,438 + GST. The CEO is delegated authority to approve any potential variations under his financial delegation for this contract.

Moved: Cr Michael Sands

Seconded: Cr Colin Cedric

CARRIED

12:45pm - Meeting adjourned for lunch.

2:02pm - Meeting reconvened.

6.5 COUNCILLORS PORTFOLIO - CHANGES.

The role of councillor is an elected position with non-descript functions (other than to meet to make decisions. YASC has adopted a model for councillor engagement using a committee structure. In the committee structure two councillors meet monthly with a department head / Director to discuss strategic issues relating to policy and strategic performance issues affecting council performance against the corporate plan. Councillors attending the meeting are briefed through the departmental draft meeting report and are informed about the content and any draft recommendations that will be presented to the council meeting.

Concern raised by Mayor relating to perceived influence arising out of Housing. Concern that potential lack of impartiality and influence on decision making. Greater separation is being requested.

The role and responsibilities of Councillors are determined under Local Government Act 2009.

The [Local Government Act 2009](#) clearly distinguishes between the roles and responsibilities of the executive (elected councillors) and the administrative (council employees) areas of local government. This is sometimes referred to as the separation of powers.

The primary role of councillors is to focus on policy development and strategic delivery of services in the public interest. Local government decisions are made to direct the operational work and realise the planned goals that are set out in the local government's corporate plan.

Councillors are responsible for:

- planning and developing corporate plans and strategies to deliver outcomes to the community
- providing strategic vision and leadership.

The internal day-to-day work of the local government is carried out by local government employees under the direction of the chief executive officer.

The separation of powers as prescribed seek to ensure the strategic direction of the organisation is determined by the elected arm and the delivery of operations rests with the CEO. Opportunity for community engagement to assist Council to determine community need and strategy formulation will enter a pre-election phase shortly and it is necessary to offer a reminder to the elected arm about the protocol for separation of powers, the local government principles and the elements which make up good decision making framework.

YASC organisational structure has been adapted to ensure clear role and responsibilities for management, process handling and policy. Council consideration and application of associated processes has been great and opportunity arises to review current portfolio assignments and considerations leading up to the 2020 LG elections.

The issue of housing has been brought to the CEO'S attention. Councillors are asked to debate changes that may be necessary.

RESOLUTION 06. 22/01/2020

That Council resolve to table the portfolio as presented amend the Councillors Portfolio.

Moved: Cr Nadine Cannon

Seconded: Cr Ross Andrews

CARRIED

6.6 YARRABAH DRINKING WATER QUALITY MANAGEMENT PLAN.

Yarrabah Aboriginal Shire Council (YASC) is responsible for providing water and sewerage services to residential, commercial and industrial customers.

YASC manages the water storage and is responsible for operating and maintaining water and sewerage assets throughout the Shire. This document contains standards for water and sewerage service provision in the Yarrabah Shire.

RESOLUTION 07. 22/01/2020

That Council resolve to adopt the Yarrabah drinking water quality management plan – service standard 2020.

Moved: Cr Ross Andrews

Seconded: Cr Nadine Cannon

CARRIED

6.7 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.

Council process for providing confirmation of persons known to authorised person in Council or have family ties in community. Applications have been received from persons requiring Council confirmation and matter will be resolved at this meeting.

Application for confirmation of Aboriginality / Community Affiliation Form for:

Lerissa Darlene Louisa Kynuna

RESOLUTION 08. 22/01/2020

That Council resolve to accepted the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as recognised community members:

- Lerissa Darlene Louisa Kynuna

Moved: Cr Nadine Cannon

Seconded: Cr Colin Cedric

CARRIED

6.8 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM

Council process for providing confirmation of persons known to authorised person in Council or have family ties in community. Applications have been received from persons requiring Council confirmation and matter will be resolved at this meeting.

RESOLUTION 09. 22/01/2020

That Council resolve to accepted the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as recognised community members:

- Meshack Frank Davidson

Moved: Cr Nadine Cannon

Seconded: Cr Colin Cedric

CARRIED

6.9 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.

Council process for providing confirmation of persons known to authorised person in council or have family ties in community. Applications have been received from persons requiring council confirmation and matter will be resolved at this meeting.

RESOLUTION 10. 22/01/2020

That Council resolve to accepted the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as recognised community member:

- Jacinta Akira Keyes-Lively

Moved: Cr Nadine Cannon

Seconded: Cr Colin Cedric

CARRIED

6.10 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.

Council process for providing confirmation of persons known to authorised person in Council or have family ties in community. Applications have been received from persons requiring Council confirmation and matter will be resolved at this meeting.

RESOLUTION 11. 22/01/2020

That Council resolve to accepted the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as recognised community member:

- Lamech Amos Kingsburra-Gilmartin

Moved: Cr Nadine Cannon

Seconded: Cr Colin Cedric

CARRIED

6.11 DIRECTOR - HR, RISK AND REGULATIONS MONTHLY REPORT.

HR, Risk and Regulations presented the report using exceptions reporting. Noted the report covers the operational matters for the previous month.

RESOLUTION 12. 22/01/2020

That Council resolve to adopt the report, tabled as read.

Moved: Cr Colin Cedric

Seconded: Cr Ian Patterson

CARRIED

6.12 DIRECTOR COMMUNITY SERVICES - MONTHLY OPERATIONAL REPORT.

Director Community Services presented the report using exceptions reporting. Noted the report covers the operational matters for Housing, Day Care Centre, Yarrabah Knowledge Centre and the Arts & Cultural Precinct Centre for the previous month.

RESOLUTION 13. 22/01/2020

That Council resolve to adopt the reports, tabled as read.

Moved: Cr Michael Sands

Seconded: Cr Ian Patterson

CARRIED

6.13 DIRECTOR POLICIES AND GOVERNANCE - MONTHLY OPERATIONAL REPORT.

Director Policies & Governance presented the report using exceptions reporting. Noted the report covers the operational matters for the previous month.

RESOLUTION 14. 22/01/2020

That Council resolve to adopt the report, tabled as read.

Moved: Cr Nadine Cannon

Seconded: Cr Colin Cedric

CARRIED

6.14 A/DIRECTOR WORKS AND INFRASTRUCTURE.

A/Director Works & Infrastructure presented the report using exceptions reporting. Noted the report covers the operational matters for the previous month.

RESOLUTION 15. 22/01/2020

That Council resolve to adopt A/Director Works and Infrastructure Monthly Report, tabled as read.

Moved: Cr Colin Cedric

Seconded: Cr Ian Patterson

CARRIED

7 CORRESPONDENCE**7.1 DEPARTMENT OF STATE DEVELOPMENT, MANUFACTURING, INFRASTRUCTURE AND PLANNING (DSDMIP) RELEASED NEW STATE PLANNING POLICY GUIDANCE MATERIAL FOR NATURAL HAZARDS, RISK AND RESILIENCE – BUSHFIRE.**

Item noted for council information.

RESOLUTION 16. 22/01/2020

That Council resolve to accept the correspondence and item tabled as read.

Moved: Cr Ross Andrews

Seconded: Cr Nadine Cannon

CARRIED

8 CONFIDENTIAL MATTERS

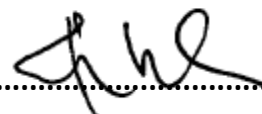
Nil

9 CLOSE OF MEETING**10. NEXT MEETING**

Date for the next Council Ordinary Meeting is Wednesday 19th February 2020.

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

Meeting closed at 3.17 pm.



MAYOR