



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

## ***ORDINARY MEETING OF COUNCIL***

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

**19<sup>th</sup> May 2020**

## **ORDER OF BUSINESS**

1. Opening
2. Attendance
3. Declaration of Conflict of Interest
4. Confirmation of Minutes
- 4.2 Business Arising out of minutes of previous Meeting

### **5. ENGINEERING SERVICES**

- 5.1 Engineering Works Monthly Report
- 5.2 CONFIDENTIAL – Railway Bore Asset Retention
- 5.3 CONFIDENTIAL – Hilton Park Water Pressure
- 5.4 Workplace Health and Safety Monthly Report

### **6. ENVIRONMENTAL & REGULATORY SERVICES REPORT**

- 6.1 Environmental & Regulatory Services Monthly Report
- 6.2 CONFIDENTIAL – T1920022 JC Town Bore Replacement
- 6.3 CONFIDENTIAL – T1920021 Water Tower Refurbishment

### **7. COMMUNITY SERVICES REPORT**

- 7.1 Community Services Monthly Report
- 7.2 Lions Park Fencing Budget Adjustment

### **8. CORPORATE SERVICES REPORT**

- 8.1 Corporate Services Monthly Report
- 8.2 2020-21 Budget Program

### **9. CHIEF EXECUTIVE OFFICERS REPORT**

- 9.1 CEO Status Report
- 9.2 Request to write off Dirt n Dust Festival Contribution
- 9.3 Trustee Leases Policy
- 9.4 CONFIDENTIAL – Option One Recruitment of the CEO
- 9.5 CONFIDENTIAL – Option Two Recruitment of the CEO

### **10. CLOSE**

**1. OPENING BUSINESS** ▲

All Councillors having signed the Attendance Book, Mayor Philip Curr declared the meeting open at 9:05am.

**2. ATTENDANCE** ▲

**Mayor:** Cr. P Curr

**Members:** Cr. J Fegan, Cr. S Royes, Cr. J Lynch, Cr. T Pratt

**Staff:**

Chief Executive Officer, Dr. Edwina Marks  
 Director of Corporate & Community Services, Ms. Tenneil Cody  
 Works Manager, Mr. Michael McConnell  
 Project & Asset Manager, Mr. David Sechtig  
 DRFA Coordinator, Mr. Michael Mackintosh  
 Economic Development Officer, Ms. Maggie Rudolph

**Other people in attendance:**

Nil

**Apologies:**

Executive Assistant, Mrs. Katie Woods

**3. DECLARATION OF CONFLICT OF INTEREST** ▲**Cr. P Curr**

1. I declare that I have material personal interest in the matter of confidential agenda item 5.2 as defined by section 175B of the Local Government Act 2009 as follows:

- a) My sister-in-law, Amanda Stevens stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter.
- b) The gain or loss is due to Council's decision on the confidential matter regarding item 5.2.
- c) My relationship with Amanda Stevens is she is my sister-in-law.

I will be dealing with the material personal interest by leaving the meeting while the matter is discussed and voted on.

2. I declare that I have material personal interest in the matter of confidential agenda item 5.3 as defined by section 175B of the Local Government Act 2009 as follows:

- a) J Curr, stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter.
- b) The gain or loss is due to Council's decision on the confidential matter regarding item 5.3.
- c) My relationship with J Curr is she is my mother.

I will be dealing with the material personal interest by leaving the meeting while the matter is discussed and voted on.

**Cr. J Lynch**

1. I declare that I have a conflict of interest in the matter of Agenda Item 7.2 as defined by section 175D of the Local Government Act 2009

- a) I am an executive member of the Julia Creek Lions Club
- b) I have a relationship with
  - i) Julia Creek Lions Club; and
  - ii) The nature of my relationship with Julia Creek Lions Club is that I am the treasurer.

I will be dealing with the conflict of interest by leaving the meeting while the matter is discussed and voted on.

#### 4. CONFIRMATION OF MINUTES ▲

Confirmation of Minutes of the Ordinary Meeting of Council held on 21<sup>st</sup> April 2020.

##### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 21<sup>st</sup> April 2020 be confirmed.

##### **Resolution No. 252/1920**

The Minutes of the Ordinary Meeting of Council held on 21<sup>st</sup> April 2020 are confirmed.

Moved Cr. J Fegan

Seconded Cr. T Pratt

CARRIED 5/0

#### 4.2 BUSINESS ARISING FROM PREVIOUS MINUTES ▲

Nil

#### 5. ENGINEERING SERVICES ▲

**Attendance** – Projects Manager, David Sechtig, Works Manager, Mick McConnell, and DRFA Coordinator Michael Mackintosh entered the meeting room at 9:19am.

##### **5.1 Engineering Works Report**

Council is presented with the Engineering Works Report, which outlines the general activities, revenue and expenditure for the department for the period of April 2020.

##### **RECOMMENDATION**

That Council receives the April 2020 Engineering Works Report.

##### **Resolution No. 253/1920**

Council receives the April 2020 Engineering Works Report.

Moved Cr. T Pratt

Seconded Cr. J Fegan

CARRIED 5/0

**Attendance** – Cr. P Curr left the meeting room, having declared a Material Personal Interest in the matter of Agenda Items 5.2 and 5.3 as defined by *Section 175B* of the *Local Government Act 2009*, and left the meeting room at 10:01 am taking no part in the meeting or discussion.

**The Deputy Mayor assumed the chair at 10:01am.**

##### **PROCEDURAL MOTION**

That the meeting be closed to the public in accordance with *Section 275 (1) (e)* of the *Local Government Regulation 2012*.

**Resolution No. 254/1920**

Council resolves to close the meeting to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

Moved Cr. S Royes

Seconded Cr. J Lynch

CARRIED 4/0

**Attendance** –Works Manager, Mick McConnell, and DRFA Coordinator, Michael Mackintosh, left the meeting room at 10:02am.

**5.2 CONFIDENTIAL Railway Bore Asset Retention**

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councilor's consider it necessary to discuss *(e) contracts proposed to be made by it*;

**5.3 CONFIDENTIAL Hilton Park Water Pressure Report**

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councilor's consider it necessary to discuss *(e) contracts proposed to be made by it*;

**PROCEDURAL MOTION****Resolution No. 255/1920**

Council resolves to re-open the Ordinary Meeting of Council to the public.

Moved Cr. S Royes

Seconded Cr. T Pratt

CARRIED 4/0

**Item 5.2 RECOMMENDATION**

CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councilor's consider it necessary to discuss *(e) contracts proposed to be made by it*;

**Resolution No. 256/1920**

That Council defers this item to a future Council Meeting, so that Council members can meet with DNRME for confirmation of asset details, and meet with the Landholder for further discussion around options.

Moved Cr. J Lynch

Seconded Cr. S Royes

CARRIED 4/0

**Item 5.3 RECOMMENDATION**

CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councilor's consider it necessary to discuss *(e) contracts proposed to be made by it*;

**Resolution No. 257/1920**

That Council

- a) defers this item until a decision has been made regarding the Railway Bore,
- b) consider water infrastructure network planning as part of Council's 2020-2021 Budget, and
- c) advise Hilton Park of Council's current position.

Moved Cr. T Pratt

Seconded Cr. S Royes

CARRIED 4/0

**Attendance** – Economic Development Officer, Maggie Rudolph left and re-entered the meeting room at 11:25am.

**Attendance** – Cr. P Curr re-entered the meeting room at 11:25am.

**Attendance** – Projects Manager, David Sechtig left the meeting room at 11:26am.

**The Mayor assumes the Chair at 11:26am.**

**5.4 Workplace Health, Safety and Risk Report**

The report for Workplace Health, Safety and Risk for the month of April 2020.

**Resolution No. 258/1920**

That Council accepts the Workplace Health, Safety and Risk report for the month of April 2020

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

**Attendance** – Economic Development Officer, Maggie Rudolph left the meeting room at 11:27am.

**Attendance** – Economic Development Officer, Maggie Rudolph re-entered the meeting room at 11:29am.

**6. ENVIRONMENTAL AND REGULATORY SERVICES** ▲**6.1 Environmental and Regulatory Services Report**

Council is presented with the monthly Environmental and Regulatory Services Report, which outlines the general activities, revenue and expenditure for the department for the period of April 2020.

**RECOMMENDATION**

That Council receives the April 2020 Environmental and Regulatory Services Report.

**Resolution No. 259/1920**

Council receives the April 2020 Environmental and Regulatory Services Report.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

**Attendance** – Economic Development Officer, Maggie Rudolph left the meeting room at 11:33am.

**Attendance** – Economic Development Officer, Maggie Rudolph re-entered the meeting room at 11:35am.

**PROCEDURAL MOTION**

That the meeting be closed to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

**Resolution No. 260/1920**

Council resolves to close the meeting to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

**6.2 CONFIDENTIAL T1920022 JC Town Bore Replacement**

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councilor's consider it necessary to discuss *(e) contracts proposed to be made by it*;

**PROCEDURAL MOTION**

**Resolution No. 261/1920**

Council resolves to re-open the Ordinary Meeting of Council to the public.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

**Item 6.2 RECOMMENDATION**

CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councilor's consider it necessary to discuss *(e) contracts proposed to be made by it*;

**Resolution No. 262/1920**

That Council resolve to award the Tender T1920022, for the Julia Creek Town Bore Replacement Project, to Daly Brothers for the tendered price of \$531,460.75 Inc. GST.

Moved Cr. J Fegan

Seconded Cr. T Pratt

CARRIED 5/0

**PROCEDURAL MOTION**

That the meeting be closed to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

**Resolution No. 263/1920**

Council resolves to close the meeting to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

**6.3 CONFIDENTIAL T1920021 JC Water Tower Refurbishment**

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councilor's consider it necessary to discuss *(e) contracts proposed to be made by it*;

**PROCEDURAL MOTION****Resolution No. 264/1920**

Council resolves to re-open the Ordinary Meeting of Council to the public.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

**Item 6.3 RECOMMENDATION**

CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councilor's consider it necessary to discuss *(e) contracts proposed to be made by it*;

**Resolution No. 265/1920**

That Council

- a) Award the tender T1920021 for the Julia Creek Water Tower Refurbishment Project to Pensar for the amount of \$868,607.50 ex GST; subject to satisfactory references and quality assurance information and product guarantees being supplied to Council,
- b) Fund the shortfall of \$168,607.50 from the 20-21 Budget,
- c) Should this information be unsatisfactory or unable to be supplied that Council continue negotiations with the next most suitable tenderer in line with the available budget, and
- d) Authorise the Mayor and the Chief Executive Officer to finalise the contract and execute all documents necessary.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

**Attendance** – Cr. T Pratt and Cr. P Curr left the meeting room at 11:52am.

**Attendance** – Ranger, Colin Malone entered the meeting room at 11:53am.

**Attendance** – Cr. T Pratt and Cr. P Curr re-entered the meeting room at 11:54am.



## **PROCEDURAL MOTION**

### **Resolution No. 266/1920**

Council resolves to bring Item 9.3 Trustee Lease Policy forward.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

### **9.3 Trustee Leases Policy**

Council has committed to developing a Trustee Lease Policy to support the Trustee Lease tender assessment and advertisement that will be issued in the coming month.

**Attendance** – Economic Development Officer, Maggie Rudolph left the meeting room at 12:35pm.

**Attendance** – Economic Development Officer, Maggie Rudolph re-entered the meeting room at 12:38pm.

**Attendance** – Ranger, Colin Malone left the meeting room at 12:46pm.

## **RECOMMENDATION**

That Council

- a) Endorse the Draft Trustee Policy as presented
- b) Proceed to tender for the leases as soon as possible utilising the Policy assessment framework.

### **Resolution No. 267/1920**

That Council

- a) Endorse the Draft Trustee Policy, with the recommended changes discussed.
- b) Proceed to tender for the leases as soon as possible utilising the Policy assessment framework.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

## **7. COMMUNITY SERVICES**

### **Council returns to the normal order of the Agenda.**

**Attendance** – Economic Development Officer, Maggie Rudolph left and re-entered the meeting room at 12:47pm.

**Attendance** – Director of Corporate and Community Services, Tenneil Cody entered the meeting room at 12:48pm.

### **7.1 Community Services Monthly Report**

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of April 2020.

**RECOMMENDATION**

That Council receives the Community Services monthly report for April 2020.

**Resolution No. 268/1920**

Council receives the Community Services monthly report for April 2020.

Moved Cr. T Pratt

Seconded Cr. S Royes

CARRIED 5/0

**Attendance** – Cr. J Lynch left the meeting room, having declared a Conflict of Interest in the matter of Agenda Item 7.2 as defined by *Section 175D* of the *Local Government Act 2009*, and left the meeting room at 12:59pm taking no part in the meeting or discussion.

**7.2 Lions Park Fencing Budget Adjustment**

The Julia Creek Lions Park Fencing Upgrade has been allocated \$30,000 in the 2019-20 Capital Works Budget, with the Lions Club to contribute \$10,000 towards the project. The project has increase in cost and this report is prepared for Council to consider further financial allocation. A further \$10,000 is required to be committed to the project which will increase the total allocation to \$40,000 and Council contribution to \$20,000.

**RECOMMENDATION**

That Council reallocate \$8,150 from surplus funds in the Duncan McIntyre Museum Renovation and \$1,850 from Julia Creek SES/Museum Extension and reallocate to the Julia Creek Lions Park fencing upgrade project.

**Resolution No. 269/1920**

That Council reallocate \$8,150 from surplus funds in the Duncan McIntyre Museum Renovation and \$1,850 from Julia Creek SES/Museum Extension and reallocate to the Julia Creek Lions Park fencing upgrade project.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 4/0

**Attendance** – Director of Corporate and Community Services, Tenneil Cody left and re-entered the meeting room at 1:08pm.

**Attendance** – Cr. J Lynch re-entered the meeting room at 1:08pm.

**8. CORPORATE SERVICES** ▲**8.1 Corporate Services Report**

The Corporate Services Report as of 30<sup>th</sup> April 2020, which summarizes the financial performance and position is presented to Council.

**RECOMMENDATION**

That Council receives the monthly Corporate Services Report for the period ending 30<sup>th</sup> April 2020.

**Resolution No. 270/1920**

Council receives the monthly Corporate Services Report for the period ending 30<sup>th</sup> April 2020

Moved Cr. S Royes

Seconded Cr. J Lynch

CARRIED 5/0

**8.2 2020-21 Budget Program Report**

Propose to Council dates and timelines for the preparation and adoption of the 2020-2021 financial year budget.

**RECOMMENDATION**

That Council accepts the 2020/21 Budget Program as presented.

**Resolution No. 271/1920**

That Council accepts the 2020/21 Budget Program as presented.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

**Attendance** – Director of Corporate and Community Services, Tenneil Cody left the meeting room at 1:18pm.

**9. CHIEF EXECUTIVE OFFICER** ▲**9.1 CEO Status Report**

Council is presented with a Status Report from the Chief Executive Officer, which provides an overview of ongoing items of Council business.

**RECOMMENDATION**

That Council receives the CEO's Status Report for May 2020.

**Resolution No. 272/1920**

Council receives the CEO's Status Report for May 2020.

Moved Cr. T Pratt

Seconded Cr. J Fegan

CARRIED 5/0

**9.2 Request to write off 2020 Dirt n Dust Festival Contribution**

The Julia Creek Dirt n Dust Committee has written to Council requesting that Council write off their 2019.20 contribution to the Dirt and Dust Festival due to the cancellation as a result of the Covid-19 pandemic.

**RECOMMENDATION**

That Council

- a) Write off the 2020 Dirt n Dust Festival Contribution of \$25,000 and note the current in-kind donation amount.
- b) Notify the Committee accordingly.

**Resolution No. 273/1920**

That Council

- a) Write off the 2020 Dirt n Dust Festival Contribution of \$25,000 and note the current in-kind donation amount.
- b) Notify the Committee accordingly.

Moved Cr. T Pratt

Seconded Cr. S Royes

CARRIED 5/0

**PROCEDURAL MOTION**

That the meeting be closed to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

**Resolution No. 274/1920**

Council resolves to close the meeting to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

**Attendance** – CEO, Edwina Marks and Economic Development Officer, Maggie Rudolph left the meeting room at 1:35pm.

**9.4 Option One: Recruitment of the CEO**

This report is CONFIDENTIAL in accordance with *Section 275 1 (a) and (e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss :

*(a) the appointment, dismissal or discipline of employees; or*

*(e) contracts proposed to be made by it*

**9.5 Option Two: Recruitment of the CEO**

This report is CONFIDENTIAL in accordance with *Section 275 1 (a) and (e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss :

*(a) the appointment, dismissal or discipline of employees; or*

*(e) contracts proposed to be made by it*

## **PROCEDURAL MOTION**

### **Resolution No. 275/1920**

Council resolves to re-open the Ordinary Meeting of Council to the public.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

### **Item 9.4 Recommendation**

CONFIDENTIAL in accordance with *Section 275 1 (a) and (e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss :

*(a) the appointment, dismissal or discipline of employees; or*

*(e) contracts proposed to be made by it*

### **Resolution No. 276/1920**

That Council

a) Appoint John Francis Kelly to be Chief Executive Officer (CEO) of McKinlay Shire Council commencing at the conclusion of the contract of employment of the current Acting CEO for a term of up to eighteen months.

b) Endorse the Mayor and Deputy Mayor to finalise a contract of employment which will include adequate performance criteria and performance review processes.

Moved Cr. P Curr

Seconded Cr. J Lynch

CARRIED 5/0

**Attendance** – CEO, Edwina Marks and Economic Development Officer, Maggie Rudolph re-entered the meeting room at 1:44pm.

## **10. CLOSURE OF MEETING**

The Chair of the meeting Mayor Philip Curr declared the meeting closed at 1:47pm.



Mayor Philip Curr