



SPECIAL MEETING MINUTES

HELD: ADMINISTRATION CENTRE
COUNCIL CHAMBERS
25 LANNERCOST STREET
INGHAM QLD 4850

TUESDAY 2 NOVEMBER 2021
at 8.30AM

PRESENT - R Jayo Mayor (Chair)
AP Cripps Deputy Mayor
ME Brown Councillor
AJ Lancini Councillor
DM Marbelli Councillor
KS Milton Councillor
WG Skinner Councillor

- K Tytherleigh Chief Executive Officer (CEO)
J Stewart Director Infrastructure Utility Services (DIUS)
B Exelby Director Corporate and Financial Services (DCFS)
P Cohen Acting Director Community and Development Services (A/DCDS)
B Edwards Executive Assistant (EA)

APOLOGY - Nil

PRAYER - Mayor Ramon Jayo began the meeting with Prayer

DECLARATIONS OF INTEREST -

Mayor R Jayo invited Councillors to use this opportunity to make public any Declarations of Interest.

Item 2.3 – HSC 21/21 – DRFA Program Northeast Unsealed Road – Reconstruction Works

In accordance with Section 150EI and 150EM of the *Local Government Act 2009*, Councillor DM Marbelli informed the meeting she has a Declarable Conflict of Interest in relation to Item 2.3 as her husband Paul is related as first cousin to Ramon and Steven Marbelli of Timrith Transport who are tenderers for HSC 21/21. Having regard to the nature of her Declarable Conflict of Interest, Councillor DM Marbelli informed the meeting that she will leave the meeting room while the matter is considered and voted on.

Item 2.4 – HSC 21/22 – DRFA Program Southeast Unsealed Road – Reconstruction Works

In accordance with Section 150EI and 150EM of the *Local Government Act 2009*, Councillor DM Marbelli informed the meeting she has a Declarable Conflict of Interest in relation to Item 2.4 as her husband Paul is related as first cousin to Ramon and Steven Marbelli of Timrith Transport who are tenderers for HSC 21/22. Having regard to the nature of her Declarable Conflict of Interest, Councillor DM Marbelli informed the meeting that she will leave the meeting room while the matter is considered and voted on.

Item 2.5 – HSC 21/18 – Leasing and Management of the Hinchinbrook Aquatic Centre

In accordance with Section 150EI and 150EM of the *Local Government Act 2009*, Councillor DM Marbelli informed the meeting she has a Declarable Conflict of Interest in relation to Item 2.5 as she is an employee of tender submitter Kienan Blanco who owns Healthy Figures t/a Tweak Fitness. Having regard to the nature of her Declarable Conflict of Interest, Councillor DM Marbelli informed the meeting that she will leave the meeting room while the matter is considered and voted on.

Item 2.3 – HSC 21/21 – DRFA Program Northeast Unsealed Road – Reconstruction Works

In accordance with Section 150EI and 150EM of the *Local Government Act 2009*, Councillor KS Milton informed the meeting she has a Declarable Conflict of Interest in relation to Item 2.3 as she has a registered gravel pit (5,000 tonnes) and she may be approached by one of the contractors for gravel. Having regard to the nature of her Declarable Conflict of Interest, Councillor KS Milton informed the meeting that she will leave the meeting room while the matter is considered and voted on.

Item 2.4 – HSC 21/22 – DRFA Program Southeast Unsealed Road – Reconstruction Works

In accordance with Section 150EI and 150EM of the *Local Government Act 2009*, Councillor KS Milton informed the meeting she has a Declarable Conflict of Interest in relation to Item 2.4 as she has a registered gravel pit (5,000 tonnes) and she may be approached by one of the contractors for gravel. Having regard to the nature of her Declarable Conflict of Interest, Councillor KS Milton informed the meeting that she will leave the meeting room while the matter is considered and voted on.

Item 2.5 – HSC 21/18 – Leasing and Management of the Hinchinbrook Aquatic Centre

In accordance with Section 150EI and 150EM of the *Local Government Act 2009*, Councillor KS Milton informed the meeting she has a Declarable Conflict of Interest in relation to Item 2.5 as she has a conflict where a reasonable person might think she could be biased. Having regard to the nature of her Declarable Conflict of Interest, Councillor KS Milton informed the meeting that she will leave the meeting room while the matter is considered and voted on.

BUSINESS

1. INFRASTRUCTURE AND UTILITY SERVICES

1.1 QUEENSLAND 2020-21 BETTERMENT FUNDING SUBMISSION

Consideration of Report to Council from Infrastructure Assets Manager dated 28 October 2021 concerning 2020-21 Betterment Funding available to activated Local Government Agencies and providing suggested project nominations under the betterment framework.

Moved Councillor Cripps
Seconded Councillor Skinner

Resolution – That Council approve a submission to Queensland Reconstruction Authority under the Queensland 2020-21 Betterment Fund with a total project value of \$2,415,000 (excl. GST), comprised of a total In Kind Contribution of \$483,000 (excl. GST) and QRA Funding of \$1,932,000 (excl. GST).

**Carried 7-0
021121-01**

2. CORPORATE and FINANCIAL SERVICES

2.1 HSC 21/15 – CONSTRUCTION OF PALM CREEK CULVERT CROSSING – DUTTON STREET INGHAM

Consideration of Report to Council from Director Corporate and Financial Services dated 26 October 2021 informing Council of the tender process, evaluation outcome and to recommend a contractor to deliver the Construction of Palm Creek Culvert Crossing on Dutton Street Ingham.

Moved Councillor Cripps
Seconded Councillor Skinner

Resolution – That Council:

- A. Appoint Keita Services Pty Ltd as Council's preferred tenderer to deliver HSC 21/15 - Construction of Palm Creek Culvert Crossing – Dutton Street Ingham as a result of the evaluation undertaken; and**
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to undertake a workshop with the preferred contractor to assess the feasibility of the non-conforming offer and determine whether the offer is preferred over the conforming offer, enter into contract, finalise and execute any and all matters in relation to this procurement activity, subject to a formal written notification of the funding approval being received.**

**Carried 7-0
021121-02**

2.2 HSC 21/19 – DRFA PROJECT MANAGEMENT SERVICES PREFERRED SUPPLIER ARRANGEMENT

Consideration of Report to Council from Director Corporate and Financial Services dated 28 October 2021 informing Council of the tender process, evaluation outcome and to recommend a contractor to be appointed as Council's preferred supplier to deliver the DRFA Project Management Services.

Moved Councillor Marbelli
Seconded Councillor Lancini

Resolution – That Council:

- A. Appoint Lonergan Project Services Pty Ltd as Council's preferred supplier for HSC 21/19 – DRFA Project Management Services; and**
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to negotiate, and enter into contract, finalise and execute any and all matters in relation to this procurement activity.**

**Carried 7-0
021121-03**

In accordance with the Declaration of Interest for Items 2.3, 2.4 and 2.5 Councillor DM Marbelli excluded herself from the meeting at 8.52am while the matter was discussed and vote taken.

In accordance with the Declaration of Interest for Items 2.3, 2.4 and 2.5 Councillor KS Milton excluded herself from the meeting at 8.52am while the matter was discussed and vote taken.

2.3 HSC 21/21 – DRFA PROGRAM NORTHEAST UNSEALED ROAD – RECONSTRUCTION WORKS

Consideration of Report to Council from Director Corporate and Financial Services dated 27 October 2021 informing Council of the tender process, evaluation outcome and to recommend a contractor to be appointed to deliver the HSC 21/21 - DRFA Program Northeast Unsealed Road Reconstruction Works.

Moved **Councillor Brown**
Seconded **Councillor Lancini**

Resolution – That Council:

- A. Approve the awarding of tender HSC 21/21 – DRFA Program Northeast Unsealed Road Reconstruction Works to R & S Marbelli T/A Timrith Transport for the tendered price of \$422,375.75 (excl. GST); and**
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to negotiate and enter into contract, finalise and execute any and all matters in relation to this procurement activity.**

**Carried 5-0
021121-04**

2.4 HSC 21/22 – DRFA PROGRAM SOUTHEAST UNSEALED ROAD – RECONSTRUCTION WORKS

Consideration of Report to Council from Director Corporate and Financial Services dated 27 October 2021 informing Council of the tender process, evaluation outcome and to recommend a contractor to be appointed to deliver the HSC 21/22 - DRFA Program Southeast Unsealed Road Reconstruction Works.

Moved **Councillor Lancini**
Seconded **Councillor Brown**

Resolution – That Council:

- A. Approve the awarding of tender HSC 21/22 – DRFA Program Southeast Unsealed Road Reconstruction Works to R & S Marbelli T/A Timrith Transport for the tendered price of \$1,452,299.39 (excl. GST); and**
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to negotiate and enter into contract, finalise and execute any and all matters in relation to this procurement activity.**

**Carried 5-0
021121-05**

Moved **Mayor Jayo**
Seconded **Councillor Lancini**

That Council close the meeting to the public and move into Closed Session at 9.01am under Section 254J(1)(c) and (g) of the *Local Government Regulation 2012*, to discuss the following item:

Item 2.5 – HSC 21/18 – Leasing and Management of the Hinchinbrook Aquatic Centre as it is a budget matter and negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Carried 5-0

Moved *Councillor Lancini*
Seconded *Councillor Brown*

That Council move out of the Closed Meeting at 9.32am

Carried 5-0

2.5 HSC 21/18 – LEASING and MANAGEMENT of the HINCHINBROOK AQUATIC CENTRE

Consideration of Report to Council from Director Corporate and Financial Services dated 29 October 2021 outlining findings of Tender HSC 21/18 for leasing and management of the Hinchinbrook Aquatic Centre.

Moved *Councillor Lancini*
Seconded *Councillor Brown*

Resolution – That Council defer the matter to a future General Meeting pending further advice on a potential due process procedural matter arising in the interest of fairness to all tenderers.

Carried 5-0
021121-06

Councillors DM Marbelli and KS Milton returned to the meeting at 9.33am

3. GOVERNANCE

3.1 HINCHINBROOK SHIRE COUNCIL ORGANISATIONAL STRUCTURE

Consideration of Report to Council from Chief Executive Officer dated 28 October 2021 concerning a review of Council's Organisational Structure proposing to realign activities and functions such that the Organisational Structure has two Directors.

Moved *Councillor Cripps*
Seconded *Councillor Lancini*

Resolution – That Council:

- A. Adopt the Organisational Structure as presented pursuant to section 196 (1) of the *Local Government Act 2009*;
- B. Is of the opinion that the Organisational Structure as presented is appropriate to the performance of its local government's responsibilities; and
- C. Authorise the Chief Executive Officer to implement any changes required associated with the revised Organisational Structure.

Carried 7-0
021121-07

CONCLUSION – This concluded the business of the meeting which closed at 9.35am.

APPROVED, CONFIRMED and ADOPTED on 23 November 2021

Councillor R Jayo – MAYOR