Minutes of the Ordinary Council Meeting
of Logan City Council

Meeting #: 769
Date: 19 February, 2020
Time: 10:00 am
Location: Council Chambers
Level 3, Logan City Council Administration Centre
150 Wembley Road, Logan Central

Present
Interim Administrator - T O'Shea

In Attendance
A/Chief Executive Officer - S Trinca
Director of Organisational Services - R Strachan
Director of Strategy & Sustainability - D R Hansen
Director of Community Services - K Barton-Harvey
A/ Director of Road & Water Infrastructure - D Ross
Secretariat & Legislation Program Leader - S Hucknall
A/ Meetings Services Coordinator - K Reddy
Meetings Services Officer - A Parry

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1. Acknowledgement of Country

The Interim Administrator of the Logan City Council, Tamara O'Shea, opened the meeting by acknowledging the Traditional Custodians of the land on which we are gathered, including Elders past, present and emerging.

2. Reflection

Pastor Debbie Hill from the Lighthouse Care led the Council in a moment of reflection.

The Interim Administrator of the Logan City Council, Tamara O'Shea, moved a vote of thanks to Pastor Debbie.

3. Leave of Absence

There was no leave of absence recorded.

4. Condolences

The meeting observed a moment's silence in respect for the deceased.
5. **Congratulations**

There was no Congratulations recorded.

6. **Confirmation of Minutes of Previous Ordinary Meeting**

Resolution Number: 8/2020

Moved By Interim Administrator - T O'Shea
That the Minutes of the 768th Ordinary Council meeting held on 29 January 2020 be confirmed.

*Carried*

7. **Business Arising from Minutes**

There was no Business Arising from Minutes to discuss.

8. **Committee Recommendations**

8.1 **City Governance Committee**

Statement from the Interim Administrator:

"I would like to make a statement in relation to two items from this Committee.

Firstly - to the repeal of a Delegation of Authority. When I first arrived here at Council, it was brought to my attention that a special delegation existed that allowed a Mayor to facilitate a Council resolution outside of the transparency of an Ordinary Council meeting.

They had the power to put forward and circulate resolutions behind closed doors, and not bring that outcome to light until a subsequent Council meeting – effectively silencing any debate until after the fact. Any reasonable person could argue that this mechanism has the potential to undermine the transparency and integrity of the elected Council’s decision-making processes, and that it is not in the public interest to allow this to continue.

As such, I am very pleased that should circumstances now necessitate a Council resolution between meeting cycles, that this will occur through the calling of a Special Council Meeting. There are provisions within the meeting code that ideally will see such meetings called with some days’ notice, however in urgent or extenuating circumstances, these meetings can be convened in a shorter time frame."
Secondly, I would like to mention the new Gifts, Benefits and Hospitality policy and procedure. This is one of those very important policies that needs to reflect the expectations of the community. They need confidence that the systems in place will ensure openness and integrity in regards to decision-making at both the elected representative and officer levels.

New annual and cumulative thresholds for the reporting of gifts, benefits and hospitality have been set, as well as clear guidelines regarding gratuities that may be accepted, and those that cannot.

I believe these guidelines will improve the transparency and accountability for both Councillors and Council staff when considering the receipt of any gift, benefit or hospitality.

As an aside - if anyone would like to read the reports being considered today, or in fact any public reports to the committees or Council over the past 12 months, they can be accessed via Council's website at logan.qld.gov.au.

The agendas and reports can be found under the section "About Council" then under "Committees and Meetings".

**Resolution Number: 9/2020**

**Moved By**  
Interim Administrator - T O'Shea  
That the recommendations of the City Governance Committee meeting held on 11 February 2020 be adopted.

*Carried*

**8.2 City Infrastructure Committee**

**Resolution Number: 10/2020**

**Moved By**  
Interim Administrator - T O'Shea  
That the recommendations of the City Infrastructure Committee meeting held on 11 February 2020 be adopted.

*Carried*
8.3 City Planning, Economic Development & Environment Committee

Resolution Number: 11/2020

Moved By Interim Administrator - T O'Shea
That the recommendations of the City Planning, Economic Development & Environment Committee meeting held on 12 February 2020 be adopted.

Carried

8.4 City Lifestyle Committee

Statement from the Interim Administrator:

"I would like to make a statement in relation to the "Our Logan" magazine.

I had concerns early on about how this publication had been increasingly used by Councillors as a personal advertisement. In this day and age, citizens rightly have little appetite for politicians who use tax-payer or rate-payer funded advertising for their own benefit.

The value of this magazine to the community is not in promoting the achievements of a Councillor who is being paid to do the job, but in meaningfully informing residents about their city’s events, Council services, and stories about Logan’s people and local businesses. This is what the feedback told us, so this is what we are going to do.

I am also pleased to see that there will be a reduction in the number of issues - down to 6 per year - and new efforts in the coming year and beyond to transition the magazine readership towards electronic media, and to simplify the opt-out process.

Clearly, this review has been based on very comprehensive data and feedback from all sectors of the community. The robustness of this evidence gave me a lot of confidence about making a decision on the future direction of this valuable communication tool for Council."

Resolution Number: 12/2020

Moved By Interim Administrator - T O'Shea
That the recommendations of the City Lifestyle Committee meeting held on 12 February 2020 be adopted.

Carried
9. Council Reports

9.1 Telecommunication Towers Lease Fees

Resolution Number: 13/2020

Moved By Interim Administrator - T O'Shea

1. That 5% of the funding received from annual lease and licence fees associated with the ongoing operation of mobile telephone facilities on Council owned or controlled land (other than those managed by Water Operations Branch) be transferred to the Administration Branch to fund annual compliance checks and minor maintenance tasks associated with those facilities, as detailed in the report of the Administration Manager dated 19 February 2020.

2. That, after funding for costs are set aside with the Administration Branch, annual lease and licence fees associated with the ongoing operation of mobile telephone facilities on Council owned or controlled land be transferred to the most relevant Branch's program for maintenance, upgrades or improvements of facilities for the benefit of the community, as detailed in the report of the Administration Manager dated 19 February 2020.

3. That the Administration Manager, in consultation with the Corporate Governance Manager, be requested to prepare a Management Directive to put in place an equitable and transparent process for management of the funds derived from the telecommunications leasing portfolio, consistent with the position put forward, as detailed in the report of the Administration Manager dated 19 February 2020.

Carried

9.2 Executive Recruitment and Performance Management

Statement from the Interim Administrator:

"I would like to make a statement in relation to Item 9.2 - Executive Recruitment and Performance Management.

This is a body of work that has been progressed over many months as part of the Interim Management Committee's Transition to Council Plan.

The position of Chief Executive Officer is pivotal in a council. It is the interface between the governing body comprised of elected councillors, which sets the strategy and monitors the performance of the council, and the administrative body of the council, headed by the CEO, which implements the decisions of the governing body. The relationship between the CEO and the councillors is of utmost importance for good governance and a well-functioning council.

The policy and guidelines adopted today provide the basis for that relationship."
In informing this body of work, the processes previously used by this Council for CEO recruitment and performance were extensively reviewed. I wanted to ensure that, moving forward, this Council had in place a best practice framework that supported all parties involved, including the elected representatives and the CEO.

New guidelines now set out the requirements for CEO recruitment and on-boarding, including direction regarding the composition of the recruitment panel, shortlisting, interviewing, the employment contract and the processes surrounding commencement.

A great deal of work has also gone into developing comprehensive new guidelines and templates for CEO Performance and Contract Management.

Clarity around everyone's roles and responsibilities in relation to CEO recruitment and performance will hopefully give the new Council the foundation it needs to successfully navigate these processes and build strong, professional working relationships that will benefit this Council and the city into the future."

**Resolution Number: 14/2020**

**Moved By** Interim Administrator - T O'Shea

1. That the Chief Executive Officer Recruitment, Appointment and Performance Policy, as attached to the report of the Director of Organisational Services dated 19 February 2020, be adopted.

2. That the Corporate Governance Manager be requested to update Council's Policy Register in accordance with Clause 1 above.

*Carried*

9.3 **Gel Blasters and Other Replica Firearms**

**Resolution Number: 15/2020**

**Moved By** Interim Administrator - T O'Shea

1. That the position of Logan City Council in respect of gel blasters, as detailed in the report of the Community Services Manager dated 19 February 2020, be endorsed.

2. That the Community Services Manager be delegated authority to prepare a submission to the Queensland Minister for Police, with a copy to the Queensland Police Service Commissioner and Queensland Police Service Logan District Chief Superintendent, outlining Logan City Council's position in respect of gel blaster use in the community, as detailed in the report of the Community Services Manager dated 19 February 2020.

*Carried*
9.4 **Community Benefit Fund**  

Resolution Number: 16/2020

**Moved By**  
Interim Administrator - T O'Shea

That the Centre Against Sexual Violence Inc. intend to purchase promotional items such as stickers, drink coasters, calico bags and stationery items, as well as banners and printed t-shirts, in the amount of $1,860.54 from the Whole of City and Divisions 1 to 8 and 12's Community Benefit Funds, as detailed in the report of the Corporate Governance Manager dated 19 February 2020, be noted.

_Carried_

9.5 **Covering Report - 2020-2021 Register of Cost Recovery Fees and Schedule of Commercial and Other Charges**  

Resolution Number: 17/2020

**Moved By**  
Interim Administrator - T O'Shea

1. That the Proposed Register of Cost-Recovery Fees and Schedule of Commercial and Other Charges for 2020/2021, as attached to the report of the Finance Manager dated 19 February 2020, be adopted.

2. That the printing of renewal notices for the City Standards & Animal Care branch before budget adoption date, as detailed in the report of the Finance Manager dated 19 February 2020, be endorsed.

3. That the notification of any changes to cemetery fees to funeral directors before budget adoption date, as detailed in the report of the Finance Manager dated 19 February 2020, be endorsed.

4. That the notification of any rental changes to tenants before budget adoption date, as detailed in the report of the Finance Manager dated 19 February 2020, be endorsed.

5. That the issue of annual agistment permits with the 2020/2021 agistment charges before budget adoption date, as detailed in the report of the Finance Manager dated 19 February 2020, be endorsed.

6. That the confidential report of the Finance Manager and associated background papers be deemed confidential and be treated as such in accordance with sections 171 and 200 of the _Local Government Act 2009_ and that the documents remain confidential.

_Carried_
10. **Late Reports**

10.1 **Covering Report - Recyclables Waste Processing Services Contract**

Resolution Number: 18/2020

Moved By Interim Administrator - T O'Shea

1. That Council enter into a settlement agreement with Council’s recyclable waste processing services contractor (which incorporates both amendments to Council’s current recyclable waste processing services contract and entering into a container refund scheme recovery sharing arrangement) on the terms and conditions specified generally, and referred to, in the confidential report of the Health, Environment & Waste Manager dated 19 February 2020.

2. That the Chief Executive Officer be delegated the power to negotiate and sign the settlement agreement, as detailed in Clause 1 above.

3. That the Finance Manager be requested to include the outcomes of the settlement agreement, as detailed in Clause 1 above, in the Future Budgets Register for a budget amendment in 2019/2020, and for future consideration along with other budget matters, as part of the 2020/2021 budget process.

4. That, upon the expiry of the Recyclables Waste Processing Services Contract No. LWS/777/2009, the Corporate Governance Manager be requested to place the confidential report of the Health, Environment & Waste Manager dated 19 February 2020 and associated background papers into the public records.

*Carried*

10.2 **Future of the Divisional Infrastructure and Capital Improvements Program**

Statement from the Interim Administrator:

"At today’s meeting, I have considered and resolved three matters relating to Councillor discretionary funding. I would like to make a statement in relation to these decisions.

Firstly, to the Community Benefit Fund.

As I mentioned in committee last week, changes to the Local Government Act and associated Regulation have mandated a much lower maximum threshold for Councillor discretionary funds from 30 March this year.

For Logan City Council, the new limit for Community Benefit Funds from 2020/2021 will be approximately $171,000 each year to be shared by all Councillors and the Mayor.

Previously, approximately half a million dollars each year (in total) was available to the Mayor and Councillors for distribution as Community Benefit Funds."
In order to comply with the new threshold, today I have repealed several policies including the 'Mayor's and Councillors' Community Benefit Fund Policy'.

However, I have endorsed a new Community Benefits Fund policy and Grants to Community Organisations Policy that will ensure the original financial benefit to the community is not lost.

Secondly, to Item 10.2 - The 'Divisional Infrastructure and Capital Improvements Program' (also known as DICIP).

Since 2009, each Councillor has had discretionary control over a sum of money for minor Divisional infrastructure projects. Over the past 11 years, what was originally a modest sum has increased to almost one million dollars per Councillor per year to spend at their discretion on divisional capital works.

Early in my tenure here, I was advised that these funds required allocation to specific projects. But rather than distributing this funding throughout the financial year (as was often the case in the past), I made the decision to allocate funds for all projects at once, based on previously identified priorities and known requirements. This gave the relevant work teams the enormous benefit of being able to schedule the works into a planned delivery program.

The result for ratepayers was tangible, with projects now able to be properly sequenced, and staff resources, materials and labour being used more efficiently and effectively.

That being said, I believe that the amount of funding available for Councillors to spend at their discretion is in excess of community expectations. I am led to believe that Logan may in fact have one of the largest DICIP-type funds of any Council in Queensland.

Given the intense scrutiny of late regarding certain federal grants, I believe a fair-minded person may question the appropriateness of a Councillor having sole discretion over four million dollars of rate-payer funds to spend in their own division on capital works each term.

I also question the suitability of some of the program areas that were funded through DICIP - particularly footpaths, gravel road improvements and traffic safety. This is essential infrastructure for any local government, and should be delivered using a prioritised and planned approach - not at the discretion of a single Councillor.

Additionally, proposed legislative reforms will require Council to consult with the community in the preparation of the annual budget. A move from Councillor discretion towards one that includes community consultation will deliver a more open and objective capital funding process and will instil greater public confidence in respect to infrastructure provisions.
I would also like to note that given the rapidly growing pace of this city, divisional boundaries will likely continue shifting for many decades to come. Persisting with a divisional approach to this funding will inevitably result in an uneven distribution of minor infrastructure, with some areas potentially over-serviced, while others may miss out altogether.

The needs of the city vary widely from one area to another, and a more strategic, prioritised and planned approach should be taken to this funding - one that amounts to almost $48 million each 4-year term.

As such, I have decided to repeal the existing DICIP Policy and now allocate these funds to the COMPES (Capital and Operational Major Projects and Enhancements Schedule) under the respective programs outlined in the report.

Funding will be now determined through a city-wide prioritisation process for resolution for the full financial year as part of the annual budget.

So just to be clear, this process will still require Councillor input. Councillors are the community's representatives and the articulation of democracy, and they undoubtedly have a strong understanding of their residents' needs. What this process is designed to achieve is a better balance between investment in genuine priorities across the city, while still meeting the desires of local communities. Most importantly, this needs to be done as part of a budget process so that proper planning and resourcing can be allocated and so ratepayers get better value for their money.

Lastly, to Item 9.1.

I understand that money received from annual lease and licence fees associated with telecommunications towers was also available to Councillors as discretionary funds. In keeping with the budget and program-based approach adopted for DICIP, a similar method will be used for allocating these funds. The exception is for a small amount to be set aside to fund annual compliance checks and minor maintenance tasks associated with those facilities."

Resolution Number: 19/2020

Moved By Interim Administrator - T O'Shea
1. That the policy titled 'Divisional Infrastructure and Capital Improvements Program', as attached to the report of the Corporate Governance Manager dated 19 February 2020, be repealed.

2. That the Guidelines for Divisional Infrastructure and Capital Improvements Program, as attached to the report of the Corporate Governance Manager dated 19 February 2020, be repealed.

3. That the Corporate Governance Manager be requested to update Council’s Policy Register in accordance with Clause 1 above.
4. That the Finance Manager create the capital programs in the Capital and Operational Major Projects and Enhancements Schedule (COMPES), as detailed in Table 1 of the report of the Corporate Governance Manager dated 19 February 2020.

5. That a supplementary report be prepared for Council’s Committee of the Whole to enable consideration of individual program funding levels during budget deliberations detailing the continuing the commitment to minor infrastructure by allocating the funding denoted for 2020/2021 financial year to the new programs.

6. That the managers of branches with new Capital Programs, as detailed in the report of the Corporate Governance Manager dated 19 February 2020, establish prioritisation processes and procedures for project delivery in their respective new capital programs compliant with the objectives around future overall network planning, proactive delivery, and transparent governance.

Carried

11. **Petitions**

   There were no Petitions to discuss.

12. **Consideration of Notified Motions**

   There were no Consideration of Notified Motions to discuss.

13. **General Business**

   13.1 **Recognition of Betty Milne-Ward**

   Statement from the Interim Administrator:

   "This morning, I would like to acknowledge Betty Milne-Ward who holds the unofficial record for attending the most Council and Committee meetings in the history of the City of Logan.

   As our most diligent ‘observer’ Betty has attended an estimated 450 Council meetings and no less than 2,500 committee meetings of the former Beaudesert Shire Council and more recently Logan City Council.

   Betty started attending meetings of the Beaudesert Shire Council in 1981 - almost 40 years ago!

   I strongly believe that one of the best expressions of democracy is in engaged citizenry. If we had more people like Betty amongst us, all our Governments – local, state and federal – would, no doubt, be delivering outcomes that better reflected the wants and needs of the people they represent."
In recognition of Betty's enduring interest and engagement in our local government, it my great honour and privilege to present her with a small gift and Certificate of Appreciation."

The Interim Administrator of the Logan City Council, Tamara O'Shea, invited Ms Milne-Ward to the stage to receive the gifts of appreciation.

The meeting responded with a round of applause.

The meeting concluded at 10:24 am, 19 February 2020.