

**CHOMHAIRLE CHONTAE NA GAILLIMHE**

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD IN REGAN'S OF CLONBOO,  
CORR AN DOLA, CO. NA GAILLIMHE ON MONDAY 15<sup>TH</sup> DECEMBER, 2014 AT 11.00 A.M.**

**CATHAOIRLEACH:**

Cllr. M. Hoade  
Cathaoirleach of the County of Galway.

**I LATHAIR FREISIN:**

**Baill:**

Cllrs. T. Broderick, D. Burke, J. Byrne, N. Byrne, S. Canney, J. Charity, D. Connolly, M. Connolly, G. Cronnelly, Comh. S. Ó Cualáin, Cllrs. J. Cuddy, S. Cunniffe, Comh. T. Ó Curraoin, Cllrs. S. Donnellan, A. Donohue, M. Fahy, P. Feeney, G. Finnerty, M. Finnerty, T. Healy, P. Hynes, D. Joyce, F. Kearney, P. Keaveney, D. Killilea, M. Kinane, M. Maher, E. Mannion, J. McClearn, K. McHugh, T. McHugh, M. Noone, A. Rabbitte, P. Roche, Comh S. Ó Tuairisg, Cllrs. S. Walsh, T. Welby

**Oifigigh:**

Mr. K. Kelly, Chief Executive (Interim); Messrs. P. Gavan, L. Gavin, Directors of Services, Ms. C. McConnell Acting Director of Services, Mr. G. Mullarkey, Head of Finance, Mr. M Owens, County Secretary & Meetings Administrator, Mr. M. Lavelle, Senior Engineer, Mr. P. Carroll, Administrative Officer, Paid O'Neachtain, Oifigigh Gaeilge & Ms. R. O'Boyle Staff Officer

Thosnaigh an cruinnú leis an paidir.

The Cathaoirleach welcomed the Members, Executive & members of the press stating that it was an honour to host the meeting in Clonboo. Cllr. Charity joined the Cathaoirleach in welcoming the Members and Executive and press to Clonboo.

**RESOLUTIONS OF SYMPATHY**

**1936**

Cllr. Fahy proposed a resolution of sympathy to the family of the late former Deputy Jackie Healy-Rae, describing him as an outstanding politician and a man of the people. This proposal was seconded by Cllr. G. Finnerty and agreed.

A Resolution of Sympathy was also extended to the following:

- Mr. John Glennon, Cregboy, Claregalway, Co. Galway
- Ms. Margaret Folan, Cloonmore, Tuam, Co. Galway
- Mr. Tom Sullivan, Cornamona, Co. Galway
- Ms. Mary McElroy, Ceapach na gCapall, Clonbur, Co. Galway

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- Mr. Eamon Hanney, Kylemore, Killimor, Ballinasloe, Co. Galway
- Mrs. Flaherty & Family, Castleboy, Kilchreest, Co. Galway
- Ms. Margaret Carr, Gort na Rí, Gort, Co. Galway
- Mr. Páraic Seoighe, Baile Láir, Ros a Mhíl, Baile na hAbhann, Co. na Gaillimhe
- Mr. Noel King, Roundstone, Co. Galway
- Mr. Michael Hanley, Caherhugh, Belclare, Tuam, Co. Galway
- Mr. Vincent Keaveney & Mr. Colm Keaveney, T.D., Galway Road, Tuam, Co. Galway
- Mrs. Peggy Coady, Launaghmore, Athenry, Co. Galway
- Mr. Tom Garvey, New Inn, Ballinasloe, Co. Galway
- Mr. Tom Mitchell Junior & Family, Cooloo, Moylough, Co. Galway

Comh. Ó'Tuairisg congratulated the Aran Islands Football Team on capturing the Connacht Junior Football title and the Clonbur Ladies Football Team as Intermediate champions.

Cllr. J. Byrne congratulated Gort on capturing the County Hurling Title and congratulated the Sarsfields Club on marking their 25<sup>th</sup> Anniversary noting the participation of Cllr. Donohue in the team. Cllr. G. Finnerty also conveyed his congratulations to both the Aran Islands and Gort teams on their success and conveyed his appreciation to the County Board for the manner the County final was arranged as a showpiece event.

Cllr. Charity while joining in the congratulations extended to the teams conveyed his congratulations to the Annaghdown Hurling Team.

Cllr. Killilea also joined in the congratulations expressed by the Members and conveyed congratulations to the Corofin Senior Football Team.

An Comh. Ó'Curraoin joined in the congratulations conveyed to the Aran Island while congratulated the Gort & Portumna Teams for a great game of Hurling in the County Final in such bad conditions. He congratulated the Annaghdown Team and also An Spidéal and Micheal Breathnach's Teams. An Comh Ó' Cualáin also congratulated the Aran Islands.

Cllr. Fahy concurred in conveying congratulations to Gort. Cllr. Kearney congratulated the Gort and Corofin Teams while extending his congratulations to the Turloughmore Hurling Team and acknowledging the achievement of Ms. Olivia Lane as a world record holder in powerlifting.

Cllr. Cronnelly expressed his congratulations to Ms. Orla McInerny on the winning All-Ireland Novice female tile in boxing.

### **CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS**

**1937**

The Minutes of the Statutory Budget Meeting held on the 20<sup>th</sup> November, 2014 were approved by the Council and signed by the Cathaoirleach on the proposal of Cllr. Maher, seconded by Cllr. N. Byrne.

The Minutes of the of Monthly Meeting held on 24<sup>th</sup> November 2014 were approved by the Council and signed by the Cathaoirleach on the proposal of Cllr. McClearn, seconded by Cllr. M. Connolly

Arising from the Minutes

Mr. Owens in reply to An Comh Ó' Tuairisg confirmed that the Valuation Office had accepted the invitation extended to them, to present to a meeting of Plenary Council and it was intended to include same on the clár for the February meeting. Cllr. Welby requested that the Valuation Office include in their presentation details of requests for valuations from Galway County Council, the timelines associated with same and details of the requests currently on hand.

The Chief Executive in reply to comments from Cllrs. Burke & Cronnelly, in reference to the resolution as detailed on Page 18 of the Minutes to provide free parking both on-street and in council operated car parks from 11.00 am each day for the month of December, indicated that there was a role for the Chambers of Commerce to promote awareness of the initiative and that while signage and public notices were provided by the Council, the position would be reviewed in the context of the issue of awareness and clarity as raised by the Members.

Mr. Owens in reply to Cllr. Cuddy advised that a response was awaited from the Department of Transport, Tourism & Sports to the resolution of Council requesting additional funding in the amount of €200,000 for roads projects.

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.0109 HECTARES OF LAND AT TOWNPARKS, TUAM, CO. GALWAY 1938**

Statutory Notice and Report dated 24<sup>th</sup> November, 2014 were already circulated to each Member.

On the proposal of Cllr. T. McHugh seconded by Cllr. Walsh the disposal of 0.0109 hectares of land at Townparks, Tuam, Co. Galway, as outlined in the Statutory Notice, was agreed.

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.21 HECTARES OF LAND AT CLOONKEEN, NEWBRIDGE, BALLINASLOE, CO. GALWAY 1939**

Statutory Notice dated the 1<sup>st</sup> December 2014 and Report, were already circulated to each Member.

On the proposal of Cllr. M. Connolly, seconded by Cllr. D. Connolly the disposal of 0.0.21 hectares of land at Cloonkeen, Newbridge, Ballinasloe, Co. Galway, as outlined in the Statutory Notice, was agreed.

Mr. Gavican in reply to Cllr. M. Connolly confirmed that while the construction of a single rural dwelling on the site will not now proceed, a review to establish the best means of addressing the identified housing need was being undertaken.

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.85 HECTARES OF LAND AT PÁIRC NA HABHANN, ATHENRY, CO. GALWAY 1940**

Statutory Notice and Report dated 3<sup>rd</sup> December, 2014 were already circulated to each Member.

## **Minutes of Meeting held on 15<sup>th</sup> December 2014**

On the proposal of Cllr. Feeney, seconded by Cllr. Cronnelly the disposal of 0.85 hectares of land at Páirc na hAbhann, Athenry, Co. Galway, as outlined in the Statutory Notice, was agreed – House No's 39, 40,41 and 42.

Cllr. Feeney welcomed the sale of the affordable housing units, indicating that he looked forward to the sale of further units in the near future.

### **TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CHANGE OF USE AND REFURBISHMENT WORKS OF THE FORMER TUAM LIBRARY, SHOP STREET, TUAM, CO. GALWAY** **1941**

Report dated 8<sup>th</sup> December, 2014 was already circulated to each Member.

On the proposal of Cllr. T. McHugh seconded by Cllr. Cunniffe the proposed Change of Use and refurbishment works of the former Tuam Library, Shop Street, Tuam, Co Galway as outlined in the Report, was agreed.

Cllrs. K. McHugh & Cunniffe welcomed the proposed development, indicating that its development and return to civic use would make a positive contribution to the town centre.

### **TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – EXTENSION TO BALLYGAR BURIAL GROUND, KILLERORAN, BALLYGAR, CO. GALWAY** **1942**

Report dated 8<sup>th</sup> December, 2014 was already circulated to each Member

On the proposal of Cllr. M. Connolly seconded by Cllr. D. Connolly the proposed extension to Ballygar Burial Ground, Killeroran, Ballygar, Co. Galway, as outlined in the Report, was agreed.

Cllr. Kearney welcomed confirmation from Mr. Carroll that the extension allowed for direct access by a hearse and requested that this would be a consideration in the future development and extension of all burial grounds.

Cllr. Roche requested clarification on the approach to funding land acquisition and development costs for extension to burial grounds, while the Cathaoirleach and Cllr. Charity referenced the urgent need for an extension to the burial ground in Annaghadow, while acknowledging that ground investigation works were being progressed on a potential site.

Comh. Ó' Tuairisg and Cllr. Walsh detailed the challenges in identifying suitable sites for burial grounds in Conamara and the need for the further funding to be made available, as a large number of existing burial grounds were near capacity. Comh. Ó' Cualáin welcomed the partnership approach between local communities and the local authority and indicated that it was important for communities engage with the local authority in good time where issue of capacity existed. Comh. Ó' Curraoin welcomed the progress achieved to date and cited the approach in Na Forbacha where fill was used by the local community to develop the burial ground, as a model for consideration.

Cllr. Noone detailed the difficulties experienced in obtaining suitable lands for a burial ground in Claregalway (Baile Chláir) and requested that a notice be published inviting submissions on suitable lands. Cllr. Cuddy supported the request for a notice to be published to address the requirement for further capacity in Claregalway (Baile Chláir). Cllr. M. Connolly noted that there was no statutory obligation on the local authority to provide burial grounds that he was aware of and

urged caution with regard to the proposal for the local authority to publish a notice inviting submissions regarding suitable lands, as it may raise expectations in relation to the purchase of such lands. Cllr. Noone responded indicating that in the case of Claregalway (Baile Chláir) all other approaches had been exhausted and it was necessary to progress the project. He stated that there was no obligation on the local authority to accept any submission received and if the price requested by landowners exceeded the appropriate market valuation, consideration could be given to a community contribution towards the project.

Cllr. Kearney detailed the example of the provision of a burial ground in Lackagh, made possible through the donation of lands and suggested that consideration of suitable sites should not be limited to lands adjacent to existing burial grounds to facilitate extensions, but should be broadened to consider all suitable lands in the general area.

Cllr. Fahy welcomed the active involvement of communities in the process and in particular in the subsequent maintenance of burial grounds while paying tribute to the community in the Labane for their voluntary effort in maintaining the burial ground to such a high standard.

Cllr. Kinane stated that from her family background as Undertakers she fully appreciated the sensitive and emotive nature of the issue and while acknowledging that funding was a challenge suggested that detailed consideration of the status of burial grounds, in the context of available funding, be considered by the Municipal Districts.

The Cathaoirleach invited Mr. Carroll to brief the Members on the current position, policy and approach to the development and extension of burial grounds

Mr. Carroll informed the Members that there were approximately 230 Burial Grounds in the County of Galway with approximately 1/3<sup>rd</sup> requiring extensions. He confirmed that 10 extensions had been undertaken in the last year and that a further 30/40 priority projects remain to be undertaken. He indicated that the current approach of engaging locally with the community was a successful model and that while the identification of lands for extensions was not limited to lands directly adjacent to the existing burial ground, an extension on adjacent lands was generally the preference of communities. Mr. Carroll provided an update on a range of specific projects as raised by the Members and urged caution in relation to advertising for lands for burial grounds due to raising expectations. He indicated that the local authority sought to develop burial grounds on a partnership basis, with lands being donated or the local authority paying the agricultural value of lands, with the local community involved in the development of the burial ground. He confirmed that a policy guides the approach to the development and layout of burial grounds and that this was available to the Members and could be reviewed if required. He explained that a schedule of works was prepared on an annual basis, based on priority needs and available funding.

It was proposed by Cllr. Noone, seconded by Cllr. Cuddy and agreed “that Galway County Council advertise in the local papers for someone to come forward to provide land for a Burial Ground in the Claregalway Area.

Mr. Carroll in reply to Cllr. Welby confirmed that while the existing policy on burial grounds made reference to the development of burial grounds on a regional basis, it had not proven necessary to adopt this approach, to date.

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In reply to Cllr. Cronnelly, Mr. Carroll advised that the grants to support community effort in the maintenance of burial grounds were scheduled for payment.

Cllr. Charity requested that the annual schedule of priority works on burial grounds, as referenced by Mr. Carroll, be made available for review by the Municipal Districts on an annual basis.

### **RE-ALLOCATION OF COMMUNITY SUPPORT SCHEME GRANTS**

**1943**

Report dated 15<sup>th</sup> December, 2014 was already circulated to each Member

On the proposal of Cllr. Feeney, seconded by Cllr. Maher the reallocation of Community Support Scheme Grants as detailed in the Report was agreed.

Cllrs. Maher, Kinane, Cuddy, Kearney, M. Finnerty, Donohue, Mannion, Noone & Comh Ó' Tuairisg welcomed the re-allocation of funding under the Community Support Scheme.

Ms. McConnell in reply to Cllr. Roche indicated that the project in Grange was in relation to the heritage and historical aspects of the burial ground.

Cllr. G. Finnerty referenced the insurance requirements associated with the scheme, indicating that in some instances the insurance costs represented 50% of the grant funding. Ms. McConnell stated that the Community & Voluntary Forum facilitated an insurance scheme for community and voluntary groups and that the Public Participation Network may continue to provide same.

In reply to a request from Cllrs. Charity & Welby, as to the reasons the funding was not drawdown by the original recipients, Ms. McConnell indicated that it was primarily external factors impacting on the original timelines for the projects, including procurement, insurances and scheduling.

Cllr. D. Connolly welcomed the new approach allowing for the reallocation of funding to maximise the support available for community and voluntary effort and acknowledged the role of the Strategic Policy Committee and Cllr. Fahy as Chair in developing the approach.

### **TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED IN ACCORDANCE WITH SECTION 142 (5F) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED)**

**1944**

Report dated 8<sup>th</sup> December was already circulated to each member.

On the proposal of Cllr. Maher, seconded by Cllr. McClearn, the Members agreed to note the Summary of Proceedings of the Mr. Tuke's Fund – Connemara Emigration in the 1880's Conference, as submitted by An Comh. Ó' Tuairisg.

On the proposal of Cllr. Maher, seconded by Cllr. McClearn, the Members agreed to note the Summary of Proceedings of the Ace Management & Training – Microsoft Excel Conference, as submitted by Cllr. Killilea

**TO CONSIDER THE MANAGEMENT REPORT – DECEMBER 2014 IN ACCORDANCE WITH SECTION 136(2) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED)**

**1945**

The Chief Executive presented the Management Report for December, 2014 as previously circulated to the Members.

The Cathaoirleach was joined by the Members in acknowledging the awarding of the UNESCO City of Film designation to Galway. They congratulated the staff involved and agreed to include a presentation on same on the clár for a future meeting of Plenary Council.

Ms. McConnell in reply to Cllrs. Feeney & Donnellan advised that the Secretariat of the Public Participation Network (PPN) would be in place by Christmas and thereafter it was intended to progress, without delay, the call for representatives for the Strategic Policy Committee with the process to be completed by the end of January. Ms. McConnell advised that the timeframe was influenced by the transition process from the Community & Voluntary Forum and was once off in nature.

Mr. Gavican in reply to Cllrs. Cunniffe advised that the local authority had no entitlement to require housing applicants to provide references from previous landlords. Mr. Gavican in reply to comments from Cllr. T. McHugh welcoming the recent acquisition of 25 units and expressing concern on the delay in housing applicants accepting the offer of a tenancy, advised that applicants were afforded a period of 2 weeks to respond to an offer of housing accommodation, but that in the event that a number of applicants declined an offer. the housing unit could be vacant for a longer period than is desirable.

In reply to Cllr. Donnellan, Mr. Gavican advised that no details of the Social Housing Strategy specific to Galway County Council were available to date, but that it was envisaged that the approach would include a combination of housing acquisition, construction and rental. In reply to Cllr. Canney, he advised that a case would be made for one off rurals, but that specific details were awaited. He outlined the distinction between voids and derelict stock, indicating that there was no indication to date of funding for derelicts. He confirmed that a paper on Gilmartin Road, Tuam was submitted and a response was awaited.

Cllr. Healy acknowledged the positive engagement between the Executive and the Members of the Municipal District of Conamara in relation the proposed development of the centre at Pearse's Cottage.

Cllr. Charity referred to a recent visit to and meeting with the management of Galway Airport and requested additional details on the appointment of consultants to undertake a review including details of the tenderers, costings, terms of reference, timeline for completion of the study and approach to public consultation. Cllr. Cuddy also requested additional details including contact details to allow for submissions and the role of the Members in the process. The Chief Executive in reply advised that a meeting was scheduled to take place during the week to agree timelines and the process for consultation and that the Members would be advised of the outcome of same. He confirmed that he did not envisage any significant slippage in the process or any factors giving rise to delays and advised that he anticipated that significant work would be completed within 4/6 weeks. He stated that in the procurement process there were restrictions on the level of information that could be made available at a given time in the process.

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In reply to Cllr. Mannion, the Chief Executive advised that the sub-committee of the LCDC for the purpose of evaluating tenders for the delivery the SICAP was comprised of 3 Members of the LCDC, draw from different membership, with support provided by the Finance and Procurement Units of the local authority.

In reply to a range of contributions from Cllrs. J. Byrne, Roche, Canney, Hynes, Joyce, Fahy, McClearn & M. Finnerty relating to the taking in charge of estates, the Chief Executive acknowledged the progress achieved in recent years in progressing the taking in charge of estates, in difficult situations, involving engagement with a range of parties including builders, receivers, liquidators and NAMA. He referred to the allocation in Budget 2015 as an indication of the ongoing commitment to this area while acknowledging the need to maximise the benefit of the allocation by addressing priority needs across a range of estates. He stated that while this may not necessarily advance all estates to the standard for taking in charge, it would make a significant and positive contribution to estate. He referenced estates without the benefit of public lighting as an example where an appreciable benefit could be achieved. The Chief Executive in reply to Cllr. Canney advised that it was his understanding that an estate not been in the charge of the local authority would not, in itself, present an impediment to the sale of a house within the estate and that other factors may have influence legal advice to the intended purchaser, not to proceed with the sale.

Ms. McConnell in reply to Cllr. Kinane indicated that it was not possible to advance the timelines on the public consultation period associated with the taking in charge process as they were prescribed in statute. In reply to Cllr. Roche, Ms. McConnell confirmed that an agreed protocol was now in place with Irish Water relating to taking in charge process and that it was now possible to proceed with the taking in charge process once local authority staff were satisfied and Irish Water were notified of same.

The Chief Executive in reply to contributions from Cllrs. Canney, Joyce, Cuddy & M. Connolly in relation to the availability of an out-of-hours service for issues relating to water, advised that the arrangements in place prior to the transition to Irish Water continued to operate and that an out-of-hours service was available. He acknowledged that the provision of an on-call service would result in additional costs and if this service level was required, then the additional cost must be met by Irish Water, to avoid Galway County Council incurring a loss in the provision of the service. He advised that the provision of the additional service level would also be the subject of consultation and negotiation with staff and staff representatives.

In reply to comments and questions from Comh. Ó' Tuairisg & Ó' Cualáin, Mr. Lavelle advised of ongoing engagement with Irish Water with a view to addressing water quality issues relating to THM's in An Cheathrú Rua. He outlined that the issue was being addressed by redirecting available water supplies through the network and that it was envisaged that works in progress would be completed by Christmas, resolving the water quality issues.

Cllr. J. Byrne expressed disappointment on the misinformation relating to the extension to the Council Chamber arising from a recent interview on local radio. He indicated that it was important that there was a clear understanding that the release of commercially sensitive information relating to the procurement process would be inappropriate and may give rise to claims against the local authority. He outlined that it was also important that there was a clear acknowledgement of the decision of the previous Council to advance the project through procurement on the basis of a clear preference for an extension to the Chamber.



Cllr. Charity indicated that as the views expressed by Cllr. J. Byrne may relate to an interview given by him on local radio, he wished to clarify that his contribution was to correct the figure of €137,000 quoted by the radio station as being the cost of the extension to the Council Chamber and that rather than contributing to misinformation, he was correcting misleading information. He referenced the minutes of the October Meeting of Plenary Council noting that in reply to questions raised by him and also by Cllrs. Cuddy & K. McHugh, it was indicated that the tender price could not be discussed as the tender process was ongoing. He advised that on foot of notification of the award of the contract and a start date for works, he requested details of the contract sum and was advised it was in the amount of €449,268.47 excluding VAT. He expressed the view that the requirements of Section 138 of the Local Government Act 2001 had not been met, while indicating his intention to move a motion relating to same later in the meeting.

The Chief Executive advised the Members of the receipt of legal correspondence relating to the extension of the Council Chamber, indicating that he did not know whether further action on foot of the correspondence would be taken. He referred to the Management Report presented to the October meeting of Plenary Council and the Supplementary Report specifically address the Council Chamber. He indicated that he did not believe that the Council were not fully informed and that the maximum amount of information, that could have been made available, taking into consideration the stage of the procurement process reached at that time, was made available. He advised that in the event that the Members were of the opinion that additional information could have been made available, he required clarity as to the nature of such additional information. He advised that it was necessary to fully appreciate the impact and consequences for project management of releasing information at a given time in the procurement process. He stated that he was fully satisfied that the information contained in the report presented to the October meeting of Plenary Council was both adequate and appropriate and was fully compliant with the relevant legislation.

Cllr. Charity, in response to a request from Cllr. Kearney for the Chief Executive to elaborate on his reference to legal correspondence, and advise as to the source of the correspondence, and the potential impact on the project in terms of delay and costs, indicated that the legal correspondence issued on his behalf. He advised, however, that as the contracts for the project had been executed and as any legal action may give rise to claims from the contractor and additional costs, it was not his intention to pursue the matter through the courts, while stating that he disagreed with the view that the maximum information was made available and that the requirements of Section 138 of the Local Government Act had been met.

Comh. Ó'Curraoin detailed the engagement and consultation process leading to the selection of an extension to the Council Chamber as being the preference of the Members of the former Council. Cllr. Fahy detailed his support for the project, citing the employment provided by the project, and advising that he was a member of the Corporate Policy Group that made the decision to proceed based on the preferred option of extending the Chamber. He was joined by Cllr. Hynes in refuting any suggestion that Members of the former Council did not make a fully informed decision on the project. Cllr. McClearn referenced the need to proceed with the project and bring it to a conclusion at the earliest date in order to provide an appropriate venue for meetings of Plenary Council. Cllr. M. Finnerty referenced his involvement in laying the foundation stone for Áras an Chontae during his term as Cathaoirleach and the need for the project to proceed to ensure a suitable venue was readily available for meetings of Plenary Council.

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The Chief Executive in reply to Cllr. Kinane advised that he did not believe it would be productive to seek funding from the Department of Environment, Community & Local Government for the project and that as previously advised, the savings arising from the non-renewal of the leases for offices at Woodquay Court and the revised terms of the lease on offices at Centrepoint would generate savings of approximately €300,000 in a full year, thereby covering the full cost of the project in approximately 2 years.

On the proposal of Cllr. McClearn, seconded by Cllr. T. McHugh it was agreed to note the Management Report for December 2014.

## **FINANCIAL REPORT ON THE ACCOUNTS OF GALWAY COUNTY COUNCIL FOR THE PERIOD ENDING 30TH SEPTEMBER 2014** **1946**

Report dated 9<sup>th</sup> December, 2014 was already circulated to each Member.

Mr. Mullarkey addressed a range of queries raised by the Members in relation to both under spends and overspends noted in the financial report. He advised that the financial report reflected the position as of the 30<sup>th</sup> September 2014.

In reply to Cllrs. Maher, Broderick, Mannion & D. Connolly & Kearney he indicated that in a significant number of service areas the adopted budget figure reflected an estimate of grant funding while the actual expenditure/income was limited to the actual grant allocation received which when reported against the adopted budget may indicate an over/under spend.

Mr. Mullarkey in reply to Cllrs. Broderick & Cunniffe indicated that the income recorded against commercial rates was based on the accrual as of the 30<sup>th</sup> September 2014 and it was anticipated by collection by year end would be in the region of 70%. Cllr. Cunniffe requested that the analysis on the performance of the various income accounts, that accompanied the previous financial report to the 30<sup>th</sup> June 2014 would be made available and be included in future financial reports.

Mr. Gavin agreed to revert to Comh. Ó'Cualáin on the basis for the expenditure reported against Other Engineering Improvements and to Cllrs. Maher and D. Connolly in relation to supplementary queries raised in relation to land drainage and the provision for the Dunkellin.

The Financial Report on the Accounts of Galway County Council for the period ending 30<sup>th</sup> September, 2014 was noted by the Members on the proposal of Cllr. G. Finnerty, seconded by Cllr. Cuddy.

## **APPOINTMENT OF 1 MEMBER TO THE COUNTY (LOCAL) RURAL WATER MONITORING COMMITTEE** **1947**

Report dated the 9<sup>th</sup> December, 2014 was already circulated to each Member.

It was proposed by Cllr. McClearn, seconded by Cllr. T. McHugh and agreed, that Cllr. J. Byrne be appointed to the County (Local) Rural Water Monitoring Committee.

Mr. Gavin advised that the OPW will have Draft Flood Maps for Portumna and surrounding areas on display in Portumna Town Hall from 1pm to 7.30pm on the 16th of December.

Mr. Owens referred to correspondence dated the 1<sup>st</sup> December 2014 from the Department of Arts, Heritage & the Gaeltacht as circulated at the meeting relating to a Public Consultation on a review of Section 40 of the Wildlife Act relating to burning/cutting controls, advising that the closing date for submissions to the Department was Friday, 9<sup>th</sup> January, 2015

Following discussion the importance of making a submission was agreed and it was proposed by Cllr. McClearn, seconded by Cllr. D Connolly and agreed "that Hedge Trimming be carried out on any date deemed necessary for the safety of traffic and pedestrians on our public roads. Furthermore, where the holder of a Herd Number needs to maintain farmland and commonage areas that a simple policy of burning vegetation be put in place."

It was agreed that the resolution would form the basis for the drafting of a submission by Mr. Gavin. It was further agreed that any additional issues to be included in the submission would be submitted to Mr. Gavin no later than Friday, 2<sup>nd</sup> January 2015 and thereafter Mr. Gavin would circulate the final draft of the submission for comment by the Members and submit to the Department by Friday, 9<sup>th</sup> January 2015.

In reply to a request from Cllr. Charity for clarification on the allocation of notice of motion funding for verge trimming, Mr. Gavin indicated that while it was possible to allocate notice of motion funding for this purpose, as the funds were public funds, it was necessary to ensure that all insurance, health & safety and procurement requirements were fully met. Mr. Gavin advised that it was necessary for the procurement process to be undertaken by the local authority via established procurement channels and that contractors could not be engaged or paid by the local authority based on quotations obtained by the local community.

Mr. Gavin in reply to Cllr. Roche following engagement with the Department of Social Protection a response was awaited from the Department on availing of Community Employment Schemes to assist in routine maintenance and town/village maintenance.

Mr. Owens advised of correspondence received from Irish Water advising of their intention to hold monthly clinics for Members in each local authority. Mr. Owens requested the Members to indicate if it was their preference to arrange same for the same date as the meetings of Plenary Council or on an alternative date.

Following consideration it was proposed by Cllr. Mannion, seconded by Cllr. Maher and agreed "that Irish Water hold a Clinic one day a month with Members of Galway County Council – each Municipal District to have an allocated time to meet rather than 39 Members meet at once as each Municipal District have different issues".

Mr. Owens also advised of a communication from the Department of Communications, Energy and Natural Resources offering to attend a meeting of Plenary Council to present on the National Broadband Plan – Connecting Communities to address any questions or clarifications from the

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Members on the investment programme. It was agreed to accept the invitation and include the presentation on the clár for the January meeting.

Mr. Owens advised the Members that following ongoing communications with Shannon Airport to agree a mutually convenient date for a presentation to Council it was intended to include same on the clár for the February meeting to be held on Monday, 23<sup>rd</sup> February 2015.

The following items of correspondence which were circulated at the meeting were noted:

- Correspondence dated 3<sup>rd</sup> December 2014 from Donegal County Council adopting the motion “Under Section 140 of the Local Government Act, this Council resolves to direct Council Management, not to comply with a demand from Irish Water to pass over the personal information of Council Tenants held by Donegal County Council”.

### **CATHAOIRLEACH’S BUSINESS**

**1949**

Mr. Gavin in reply to Cllr Killilea advised that approximately 80% of winter maintenance operations are undertaken directly by the local authority with the remainder undertaken by private contractors. He advised that contractors are engaged through a procurement process generally operated via the LAQuotes system and that while contractors may invest in equipment and machinery for the purpose of providing the service it was not possible to give a commitment to engage such contractors.

In reply to Cllr. Roche, Mr. Gavin indicated that it was intended to proceed with work on the realignment of the N63 at Abbeyknockmoy in 2015 subject of funding. He confirmed that the Part 8 for the project was being advanced but that issues relating to drainage and environmental screening to be addressed. The CPO associated with the project was also to be progressed.

It was proposed by Cllr. Roche, seconded by Cllr. K. McHugh and agreed that “Galway County Council write to Minister Joan Burton in relation to the eligibility criteria for CE Schemes:-

- (1) Review of 1 year entitlement for Under 35’s
- (2) Review of the 1 year signing on period to be entitled to be apply, and
- (3) More flexibility required for under 35 participants to continue employment on same if they so wish for a variety of reasons.’

The Chief Executive in reply to Cllr. G. Finnerty advised that he met recently with Mr. John Concannon in relation the 1916 Commemorations and that it was intended to convene a meeting of the Steering Group for the Galway Commemorative Strategy for the Decade of Commemorations 2013 – 2023 early in the New Year. He confirmed that the Commemorative Strategy identified flagship projects for the commemorations of 1916 and that the Community Support Scheme was available to support community projects and initiates while indicating that details of the allocation of national funding was awaited.

It was proposed by Cllr. Charity and seconded by Cllr. K. McHugh “that pursuant to Section 137(2) of the Local Government Act, 20012 the Chief Executive will furnish full information to the elected Members in connection with all one off or exceptional developments over €100,000 in value contemplated or considered by the Council from this date forward, to include information on all tenders received, the sums specified in each tender, and the contents of the tender prior to

committing the Council to such works, and further to advise the Elected Members that of their discretion to bring a motion pursuant to Section 138 of the 2001 Act directing that such works not proceed, providing that information furnished to the Councillors in such matters will be respected in terms of data protection requirements.”

The Chief Executive stated that the Members are advised on an ongoing basis by a variety of means including the Roads Programme, 3 Year Capital Programme, Housing Strategy of proposed projects and more recently on a monthly basis via the Management Report, based on a format and approach as previously agreed. He advised that in the event that there was any suggestion that the approach adopted to date was in any way inadequate he required additional clarity from the Members in order to allow the matter to be addressed.

The Chief Executive in addressing the motion and by direct reference to the Local Government Act 2001, stated that the first part referred to Section 137(2) and Section 138. He outlined that Section 137 provided a means whereby in the event that the Council desired works to be undertaken, then Section 137 was available to them to require the Chief Executive to prepare and submit plans and specifications for the execution of such works and an estimate of the probable cost of the execution of work.

He indicated that Section 138 being more general in nature, requires the Chief Executive to inform the Elected Council before works are undertaken or before committing the local authority to any expenditure in connection with the proposed works, other than works of maintenance or repair.

He indicated that in that in event that the Members wished to adopt a resolution relevant to the statutory provisions as detailed, there would need to be total clarity on the specific works that would be subject to the motion or whether all works over €100,000 in value contemplated or considered by the Council would be subject to the requirements as detailed in the motion.

Cllr. Killilea expressed concern in relation to the potential impact of the motion on progressing works in a timely manner, citing as an example potential delays in the procurement of equipment for the fire service due to the requirement to revert to Plenary Council.

Cllr. G. Finnerty indicated that it was important to allow the Chief Executive to implement the various work programmes of the local authority without imposing additional requirements that may result in works being unnecessarily delayed.

Cllr. J. Byrne urged caution in relation to the release of information relating to tenders, indicating that in the in the case of the works for the Council Chamber, that the release of commercially sensitive information, prior to the conclusion of the process, may leave the local authority open to legal action.

Cllr. Feeney outlined the importance of an effective working relationship between the Executive and Members, based on mutually trust and respect, indicating that it would be an unfortunate development if it was necessary for the Members to direct the Chief Executive in the manner as proposed by the motion. He indicated that the Executive and Members enjoyed an appropriate and effective working relationship and that based on his experience he did not envisage any requirement for the motion.

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Cllr. Canney stated that an effective working relationship existed based on professionalism and trust and that he did not see any benefit in introducing a further layer of bureaucracy and that there was a need for commonsense in allowing the Members and Executive undertake their respective roles.

Cllr. Healy stated that he had full confidence in the Executive and based on his experience there was constructive engagement. He referenced the benefit of the motion in allow the Members to fulfil their role in holding the Executive to account.

Cllr. Cunniffe noted the motion was to apply only to one off or exceptional developments over €100,000 and that as it only applied to exceptional items he did not envisage that it would impact on procurement and would assist in the flow of information.

Cllr. Fahy referred to the extension of the Council Chamber, detailing his support for the project, citing the benefits in terms of employment and in providing an appropriate forum for democratic representation and civic leadership for the citizens of the County for generations to come. He urged caution in relation to the motion, noting that the Council was not and should not become legal body. He expressed his full support and confidence in the Executive indicating that the motion was unnecessary.

Cllr. Hynes also referring to the Council Chamber stating that as a member of the Corporate Policy Group of the former Council he was provided with full information and briefed on an ongoing basis in relation to the project and wished to refute any suggestion that the decision made by the former Council was not a fully informed decision. He stated that the decision in relation to the project was made and it was not time to allow the works to proceed and for the project to be brought to a conclusion at the earliest date possible.

Cllr. K. McHugh stated that the contributions in relation to the decision to extend the Council Chamber were not in any way a reflection on the members of the former Council and that she accepted fully their decision to proceed with the project based on their preference for an extension of the Chamber. She indicated that the views she was expressing and the views expressed by others Members in relation the project, were based on opinions being expressed by the public and that as a elected representative it was her role to represent the views of the public. She indicated that the questions and views being expressed in relation to the project and in particular in relation to the costs were valid and appropriate, particularly in the context of limited resources available to support frontline services. She indicated that it was also appropriate to question the costs as the estimated costings provided during the term of the current Council varied considerably, stating that the final contract sum was a multiple of the initial estimate.

Cllr. Welby stated that the motion was not questioning the trust of the Members in the Executive and that he had the utmost trust in the Executive. He indicated that motion was about transparency and that it was not a bad thing to question. He stated that the costs associated with the extension of the Council Chamber arose from a decision made by the former Minister of the Environment, Community and Local Government and in his view was the wrong decision resulting in additional cost being incurred by the local authority. He indicated that he supported the motion as he was of the opinion that the ratepayer deserves the maximum transparency possible.

Comh. Ó'Curraoin stated in relation to the decision to proceed based on an extension of the Council Chamber, he was consulted on the matter, provided with an opportunity to view 3 options

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and invited to express a preference. He indicated that he indicated a preference for the option based on an extension of the Chamber and that while he accepted his preference was open to question, he stood by his decision.

Cllr. McClearn indicated that there were 2 issues being discussion arising from the motion and that in relation to the first issue being the Council Chamber that the decision was made in relation to the project in good faith in April 2014. He indicated that the 2<sup>nd</sup> issue related to ensuring the maximum amount of information was available to the Members and this was a standalone issue. He stated that while all Members supported the maximum amount of information being available to support decision-making the motion was not necessary to achieve this outcome.

Cllr. Charity indicated that the motion as proposed was not about the Council Chamber, although it was appropriate and necessary to question the approach to the project, referencing the format and set-up for the meeting in Clonboo as being appropriate to meet the needs of conducting the business of the meeting. He stated that his position on the Council Chamber and his decision to issue legal correspondence was not to castigate Members of the former Council. He outlined that his understanding of the decision of the former Council, as reflected in the minutes of the Corporate Policy Group of January 2014 as presented to Council in April 2014, was to proceed with the procurement process based on an extension to the Council Chamber and to receive a further update thereafter. He stated that in his opinion this was both an appropriate and sensible approach to adopt.

He outlined that his motion to is intended to ensure that the maximum amount of details in relation to tenders was made available. He referenced the minutes of the October meeting of Plenary Council, detailing that questions raised in relation to the tender costs, were not addressed.

He referenced the motion as proposed indicating that it did not deal with specific works and was not general in nature but was limited to one off or exceptional developments over €100,000 in value and he did not envisage that it would impact negatively on work programmes or unnecessarily delay the procurement of essential works as suggested in some contributions. He stated that the purpose of the motion was to ensure transparency and accountability.

Cllr. Kinane questioned the impact of the motion in relation to progressing works in a timely manner and the respective roles of the Members and Executive in the procurement process and the award of contracts, questioning where the final decision on the outcome of the procurement process would rest.

The Chief Executive advised that it was always the objective of the Executive to give full information to the Members. He stated that as the works to extend the Council Chamber had given rise to the motion and that full and comprehensive information was made available to the Members, to the greatest extent possible, that he would welcome clarity on what additional information was required that could have been made available to the Members taking into consideration that it is not possible to release more detailed information on tenders, than that contained in the report, prior to the signing of a contract. He advised that the acceptance of tenders and award of contracts was an executive function.

He referenced the report presented to the October meeting of Plenary Council in relation the Chamber quoting the reference therein to the range of tenders received noting that it advised that 'Four of the five tenders received were below the pre-tender estimate of cost being within the

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range of €400k to €500k with the average of these four being close to the mid-point in the range'. He noted that the contract award was in the amount of €449,268.47 excluding VAT. He stated that on this basis that if the information and approach adopted was deemed inadequate by the Members, that clarity on the specific additional information was required.

A vote was taken on the proposal which resulted as follows:-

**For:** Cllrs Charity, D. Connolly, Cronnelly, Cuddy, Cunniffe, Healy, K. McHugh & Welby **[8]**

**Against:** Cllrs. Burke, J. Byrne, Canney, M. Connolly, Ó'Cuailín, Ó'Curraoin, Donnellan Donohue, Fahy, Feeney, G. Finnerty, M. Finnerty, Joyce, Hoade, Hynes, Kearney, Keaveney, Killilea, Kinane, Maher, Mannion, McClearn, T. McHugh, Rabbitte & Roche **[25]**

**Abstain:** **[0]**

The Cathaoirleach declared the Motion defeated.

It was proposed by Cllr. M. Connolly and seconded by Cllr. Burke "that this Council proposes the abolition of Irish Water, and the return of all water services to Local Authorities".

Cllr. McClearn said that it is quite obvious that the water and waste water systems nationally are in a very poor state, that local authorities were denied funding for many years even during times when funding was more readily available and that the investment in this essential infrastructure was not afforded the priority it deserved. He referenced the need for investment to address serious issues with leaks, the quality of drinking water and inadequate treatment systems. He stated there was a clear need for a utility that is in a position to borrow to fund the necessary investment and outlined that concerns expressed, including concerns in relation to affordability, have been addressed by Government through a series of changes including charges that are affordable and offer certainty.

Cllr. Rabbitte spoke in favour of the motion, indicated that as Irish Water was a business it should be treated like every other business and should be contributing the same as every other ratepayer. She cited the approach to the necessary investment in water and wastewater infrastructure in Woodford, noting the removal of the schemes from the listing by Irish Water.

Cllrs. K. McHugh and Cuddy spoke in favour of the motion, citing the approach adopted by Irish Water in relation to the out of hours service arrangements, the level of customer service afforded to the public and the unacceptable level of expenditure on consultants.

Cllr. D. Connolly outlined his support for the motion, stating the case for a strong motion referring to the wider approach to privatisation of service delivery and the impact on services in rural areas noting as an example the closure of rural post offices.

Cllr. Healy referred to the business case presented by Bord Gais to establish Irish Water and the transfer of the prevailing corporate culture to Irish Water resulting in unnecessary expense and consultancy costs being incurred.



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Cllr Hynes cited the uncertainty surrounding investment in infrastructure and in particular the need to deliver on the promises of successive governments to provide an appropriate water supply to Kilrickle. He stated that the establishment of Irish Water removed the ability of Galway County Council to influence investment needs and priorities and accordingly supported the motion.

Cllr. Charity outlined his support for the motion, he noted the excessive costs associated with the utility, the requirement for additional funding to support redundancies and the requirement for a greater public subvention of the utility arising from the reduction in water charges.

Cllr Canney noted that Irish Water was now in place and was a legal entity and that it was necessary to address the emerging culture in the utility contributing to a bonus culture, he stated that the Board of Directors failed to provide appropriate direction and leadership and that the Board should resign to allow for a new direction and approach.

Cllr. Feeney acknowledged the issues surrounding the establishment of Irish Water resulted in a lack of confidence in the utility, presenting challenges for the utility to regain the confidence of the public.

He stated that the utility was now in place and it was necessary to work on that basis, citing his own positive experience of interaction with Irish Water in relation to a leak and the excellent standard of service provided.

Cllr. Joyce referenced the lack of an appropriate out of hours service, the level of customer service noting the absence of an option to communicate with Irish Water via email and that if that it would be necessary to significantly improve on its service model and system in order to attract the investment necessary to support the provision of essential infrastructure.

Cllr. Welby outlined his support for the motion in order to send a clear message to Government that the incompetency demonstrated by Irish Water and the bonus culture that prevailed in the utility was not acceptable.

A vote was taken on the proposal which resulted as follows:-

**For:** Cllrs. Burke, Canney, Charity, D. Connolly, M. Connolly, Cronnelly, Ó’Cualáin, Cuddy, Cunniffe, Donnellan, Joyce, Healy, Hoade, Hynes, Killilea, Kinane, K. McHugh, Rabbitte, Welby **[19]**

**Against:** Donohue, Feeney, Finnerty, Kearney, Keaveney, Maher, Mannion, McClearn, T. McHugh, Roche **[10]**

**Abstain:** **[0]**

The Cathaoirleach declared the Motion carried.

It was proposed by Cllr. J. Cuddy and seconded by Cllr. Shaun Cunniffe “that this Council records its opposition to the current policy of water fluoridation in Ireland , based on documented research that shows a decrease dental caries in all western countries irrespective of whether the water is fluoridated or not, as well as research which shows the effect of fluoride to be topical not systemic (i.e. work at the location not through the body); calls on the Government to organise a national referendum on water fluoridation in the next 18 months, (possibly in tandem with another referendum), which will educate the public thoroughly on both sides of the debate and allow their

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voice to be heard on the important public health issue; and that a letter recording this resolution shall be forwarded directly to the Taoiseach and the Minister for the Environment and CC'd to all cabinet Ministers, requesting the matter to be discussed at cabinet level"

Following discussion on the motion Cllrs. Cuddy & Cunniffe agreed to a request from Cllr. Maher to defer consideration of the motion to the January meeting of Plenary Council to afford the Director of Services an opportunity to consider the motion and provide a report to inform the discussion.

Mr. Molloy in reply to Comh. Ó'Cuailáin advised that the Department of Agriculture, Food and Marine allocated funding to address storm damage to piers in the amount of €2.54 million and that to date expenditure of €2.49 million was incurred and there was no issue with the local authority being reimbursed in full for expenditure incurred. He indicated that other funding Departments were allowing a roll-over of funding for works associated with the storm damage.

Cllr. Mannion while acknowledging the work undertaken to date on providing crash barriers on the N59, referring to a number of outstanding locations where barriers were required and requested that consideration be given to same. Mr. Molloy in reply indicated that further locations would be considered and raised with the National Roads Authority as necessary with a view to securing funding.

It was proposed by Cllr. K. McHugh, seconded by Cllr. James Charity "this Council calls on the Minister for the Environment, Community and Local Government, Mr. Alan Kelly, to act in accordance with Article 9.4 of the EU Water Framework Directive which provides a specific exemption to Ireland from domestic water charging and which is embedded in Ireland's 2008 River Basin Management Plan. This Plan is due for its 7 year renewal on the 1st January, 2015 and we are calling on the Minister, as is within his power and responsibility, to retain the exemption when he submits Irelands River Basin Management Plan and Strategy. Furthermore we as an Elected Body ask that this motion be forwarded to the Minister as a matter of urgency.

A vote was taken on the proposal which resulted as follows:-

**For:** Cllrs. Canney, Charity, D. Connolly, M. Connolly, Cronnelly, Ó'Cuailáin, Cuddy, Cunniffe, Donnellan, Joyce, Healy, Hoade, Hynes, Killilea, Kinane, K. McHugh, Rabbitte & Welby [18]

**Against:** Cllrs. Donohue, Feeney, Kearney, Keaveney, Maher, Mannion, McClearn, T. McHugh & Roche [9]

**Abstain** [0]

The Cathaoirleach declared the Motion carried.

The Cathaoirleach concluded the meeting by conveying best wishes for Christmas and the New Year to the Members, Executive and staff of the Council and to the members of the press.

**CHRIOCHNAIGH AN CRUINIÚ ANSIN**