

10<sup>th</sup> November, 2014

**To: Each Member of Donegal County Council**

I hereby give notice under Paragraph 7 of Schedule 10 of the Local Government Act 2001, having received a requisition from the Cathaoirleach pursuant to Paragraph 6(1)(a) of said schedule, that a Special Meeting of Donegal County Council shall be held at 3pm on Friday 14th November, 2014 in the County House, Lifford, County Donegal to transact the following business, as set out in agenda and contained within the aforementioned requisition. A copy of the requisition is attached.

### **AGENDA**

To provide the Members of Donegal County Council with an opportunity to debate the ongoing crisis that residents face with the billing of Water Charges by Irish Water.

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Liam Ward  
Meetings Administrator

MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL  
HELD ON 14<sup>TH</sup> NOVEMBER 2014 IN THE COUNTY HOUSE, LIFFORD

C/521/14     MEMBERS PRESENT

Clr. John Campbell (Cathaoirleach), Clrs. Liam Blaney, Enda Bonner, Ciaran Brogan, Paul Canning, Tom Conaghan, Gerry Crawford, Nicholas Crossan, Albert Doherty, Gary Doherty, Liam Doherty, Rena Donaghey, Maire Therese Gallagher, Noel Andrew Jordan, Jimmy Kavanagh, Niamh Kennedy, Micheal Cholm Mac Giolla Easbuig, Frank McBrearty, Michael McBride, James Pat McDaid, Martin McDermott, Ian McGarvey, Parick McGowan, Bernard McGuinness, Gerry McMonagle, Jack Murray, Seamus O'Domhnaill, John O'Donnell, John Sheamais O'Fearraigh, Barry O'Neill, Mick Quinn, John Ryan, Dessie Shiels and Terence Slowey.

C/522/14     APOLOGIES

Apologies were received from Clrs Martin Harley, Martin Farren and Sean McEniff.

C/523/14     OFFICIALS IN ATTENDANCE

Mr. Seamus Neely, Chief Executive, Mr. John McLaughlin, Director of Roads and Housing Capital, Mr. Michael Heaney, Director of Community, Culture & Development Planning, Mr. Liam Ward, Director of Housing, Corporate and Planning Control Services, Mr. Garry Martin, Director of Finance, Information Systems and Emergency Services, Mr. Joe Peoples, Director of Water and Environment and Ms. Kathleen Browne, Staff Officer.

C/524/14     ONGOING CRISIS IN BILLING OF WATER CHARGES BY IRISH WATER

At the commencement of the meeting, the Cathaoirleach, Clr John Campbell advised the members present that in accordance with Section 6(1)(a) of Schedule 10 of the Local Government Act 2001, he had convened a Special Meeting of Donegal County Council to transact the following business:-

“To provide the Members of Donegal County Council with an opportunity to debate the ongoing crisis that residents face with the billing of Water Charges by Irish Water.”

Clr Frank McBrearty thanked the Cathaoirleach for granting his request for a special meeting.

He proposed the following motion, which was seconded by Clr Micheal Cholm Mac Giolla Easbuig:-

“I, Independent Cllr Frank McBrearty Jnr propose that we the members of Donegal County Council pass a resolution calling on the Government to abolish water charges on residential homes and that the Government fully commits to holding a referendum to not privatise our natural resource of water, which belongs to the Irish people.”

In proposing the motion, Clr McBrearty outlined his opposition to the imposition of water charges. He advocated a boycott by all members of the public in paying water charges. He called on all government parties to take the same stance.

A copy of this proposed motion was circulated to all members present.

Clr Ciaran Brogan proposed an amendment to the motion to also include the abolition of Irish Water.

Clr Barry O Neill, seconded by, Clr Frank McBrearty proposed to adjourn the meeting for 20 minutes to allow all grouping to meet to discuss the motion.

A counter proposal, proposed by, Clr Dessie Shiels seconded by, Clr John O'Donnell to continue with the meeting was also put to the members.

Following a short discussion, the motion to continue the meeting without adjournment was passed by a show of hands.

Clr Michael Cholm Mac Giolla Easbuig spoke in favour of the motion. He advised that he supported Clr McBrearty's motion. He stated that people could not afford to give any more. He advised that people were already paying for water through their taxes. He supported Clr McBrearty's call for a boycott of the Water Charges Payment.

C/525/14 SUSPENSION OF STANDING ORDERS

At this point of the meeting the Cathaoirleach, John Campbell, advised members present that he had received requests to film proceedings in the Council Chamber.

On the proposal of Clr McBrearty, seconded by, Clr Gary Doherty, members unanimously agreed to suspend Standing Order 62 to permit filming of the meeting for five minutes.

Clr Campbell also advised that members that he proposed to suspend Standing Order 30(ii) to allow all members who wished to speak on this motion to do so.

Clr Ciaran Brogan spoke in support of the motion. He advised the meeting that Fianna Fail had objected to the formation of Irish Water. He advised that the meeting in Carrick on Shannon last month was the first opportunity members had to meet with Irish Water. Fianna Fail members had attended as a party. Their fears and concerns in relation to Irish Water were confirmed at this meeting. He alledged that Irish Water was a super quango with no interest in the people of Donegal.

He advised that meeting that members needed to be strong and united on this matter. He stated that Donegal County Council's remit on this matter was very limited. Any change could only happen in Dail Eireann. He called on Clr McBrearty to amend his motion to include the text "that Donegal County Council calls for the full and total abolition of Irish Water". He called for the abolition of Irish Water and to restore the running of the water system to Donegal County Council and to provide them with the funds to invest in the network to improve it.

Clr Barry O Neill then spoke in support of the motion. He advised members that he was doing so as a father, husband, son and as a member of a family who ran a small business for many years. He advised the meeting that most Fine Gael Councillors did not agree with the water charges and that the whole matter had been an utter fiasco from the seeking of PPS numbers to the bonus culture. He advised that water charges arose from the historical

mismanagement of our country and had originated from the Troika agreement.

He called on the government to go back to Europe and to step up for the people of Ireland.

Clr Jack Murray then spoke in favour of the motion. He advised the members that this was a day for all members to stand together. He advised those present that the motion proposed today was already in line with the policy of Donegal County Council. He advised that he had moved a motion on 27<sup>th</sup> June 2011. He read the wording of this motion to the meeting.

"That this Council affirms that access to water and sewerage services for domestic use is a universally recognised and basic human right.

-Affirms that public authorities must take effective management decisions to protect and improve water quality, and to promote and ensure water conservation and sustainability in an equitable manner consistent with the principle of progressivity.

-Condemns the chronic and on-going lack of investment in our water infrastructure, especially during the time of budget surpluses, with the result that up to 58% of treated water is lost by the distribution network before it even reaches households.

-Rejects the creeping privatization of our most vital resource evidenced by the preferred option status of Design, Build and Operate contracts with private companies in the area of water production and treatment services.

-Promotes the establishment of an All-Ireland Water and Sewerage Authority the purpose of which would be only to ensure that water quality and environmental standards are met and to facilitate co-operation between local authorities on the island, reduce costs and maximize efficiency, leaving the operational responsibility with local authorities

-Rejects the use of stealth taxes and other forms of regressive double-taxation as a funding mechanism for domestic water

whether said stealth taxes consist of a flat charge under any name or a flat rate charge with a meter, and affirms that the central taxation system is the only appropriate funding mechanism for domestic water.”

He advised that he was fundamentally opposed to paying for water. He felt fairness was the core of this issue and that people should be treated with dignity. He called on all present to carry the motion.

Clr Gerry McMonagle spoke in favour of the motion. He stated that water was a fundamental right. He advised that Sinn Fein had been consistent from day one in relation to stealth taxes. He called for an end to water charges. Clr McMonagle welcomed what Clr O’Neill had to say. He advised that the money invested in water meters would have gone a long way to sorting out the water supply system. He called for as many people as possible to attend the protests against water charges on 29<sup>th</sup> November and 10<sup>th</sup> December.

Clr Ian McGarvey spoke in favour of the motion. He advised those present that he admired Clr O’Neill for his stance. He complimented the work of Donegal County Council and their staff over the years in water services. He advised that 11% of the water supply was group water schemes. He felt there was a disconnect between Local Authorities and the government and he called for TD’s to be allowed to hold Council Seats again.

Clr Liam Blaney advised those present that he agreed with Clr Brogan’s suggestion to amend the motion to include the call to abolish Irish Water and not just water charges and he advised that he seconded Clr Brogan’s motion.

He stated that he was glad that all the members were in agreement on this matter. He stated that he felt Irish Water had shown a lack of respect to members and management of Donegal County Council in their refusal to meet them despite promising to do so last March. He felt people had had enough and couldn’t take any more. He acknowledged the stance of the Fine Gael members in the chamber and called on them to put pressure on the government to dismantle Irish Water.

Clr Gary Doherty commended Clr McBrearty in bringing this motion to the members. He said it was hard to convey in words the depth of feeling in relation to this matter. He stated that Donegal had not benefited from the Celtic Tiger yet we were still paying for the excesses of bankers. Irish Water was no different to them. It was not fit for purpose, was toxic and had done nothing except indulge itself in a grab all culture.

Clr Doherty advised that he had a Section 140 which he wished to bring to the next meeting of the Council and he urged all members to sign it before it was submitted.

Clr Michael McBride advised those present that he could not accept Irish Water and it's roll out. He supported all the villages that have sub standard water supply and no sewerage schemes. He advised that he would not bend in his support for the people of Donegal and that he fully supported the motion put forward today.

Clr John Ryan also spoke in support of the motion. He advised that he was against Irish Water and everything it stands for. He felt that it was fundamentally flawed in it's foundation and he stated he fully supported the motion.

Clr Dessie Shiels stated that people were finally getting the message, they were sick of the arrogance of the people in power. He called on those who didn't support the position of their party to get out of that party.

He advised members present that the budget they would be considering next week was premised on being involved with Irish Water. He stated that if members were saying they wanted Irish Water to go then they had to decide if they could support such a budget.

He advised that when the Irish Water Bills come in January people will have the power not to pay. He stated that people needed to take a stand in a way that has consequences. He told members that if they were willing to put up with a water supply from asbestos pipes and to adopt the budget being presented they were not

representing the people. He hoped that members would be unanimous for their support for the motion as presented.

Clr John O Donnell welcomed Clr McBrearty's motion and called for it not to be amended. He was opposed to Irish Water and Water Charges. He advised that the meeting in Carrick on Shannon confirmed that Irish Water was a quango. He advised that people should not be charged for a product that was not fit for purpose.

He queried the efficiency of the Irish Water Call centre and questioned why they needed the number of a road when a caller rang with a query. He called for the Council to withdraw all services to Irish Water.

Clr Marie Therese Gallagher spoke in favour of the motion. She advised the meeting that Irish Water had confirmed that they would be charging people for services they are not receiving.

She further advised that Irish Water would be putting meters on Group Water Schemes and that they had confirmed that the Sewerage Schemes that had been announced were unaffordable. She said that people were afraid of the charges being introduced.

Clr Gallagher congratulated Clr McBrearty for bringing this motion and called on all members to stand together on this matter.

Clr Paul Canning congratulated Clr McBrearty on bringing the motion to the council. He advised the meeting that Irish Water had got it so wrong. He stated that all members present wanted Irish Water and the charges abolished. He expressed his support for the motion.

Clr Gerry Crawford criticised the €200 call out fee for a fault and indicated that it pointed to a lack of interest and respect for the people.

He advised that there were 21 leaks in 12 months in the Stranorlar Electoral Area. He advised that Donegal County Council staff had worked tirelessly to repair these faults and that we won't have that service any more.



He stated that he had no hesitation in supporting this motion and asked that consideration be given to including the amendment calling for the abolition of Irish Water also.

Clr Enda Bonner commended the members who put down this motion. He stated that it was good to have an opportunity to let the government know that the members of Donegal County Council wanted Irish Water abolished.

He commended the members of the government parties for backing the motion. He advised that it was very important that the protests continued. He stated that none of this would have been necessary if the government had given proper funding over the years to the development and upkeep of the water system.

He advised those present that the power in this matter lay with the Government and not with Local Authorities. He called on members of the Government parties to try to get the message through to the Government. Local Authorities were able to deal with water they just needed to be given proper funding. The people of Donegal want Irish Water dismantled.

Clr Niamh Kennedy stated that she fully supported the motion. She advised that she had no confidence in Irish Water. She stated that Irish Water were unable to answer the questions raised by members at the meeting in Carrick on Shannon. She advised that members had told Irish Water at that meeting to stop.

Clr Campbell temporarily vacated the chair at this point and Clr Nicholas Crossan took the chair.

Clr Patrick McGowan welcomed all the members of the public who were in attendance at this meeting. He stated that he fully supported the motion and seconded Clr Brogan's motion to add the call for the abolition of Irish Water to the motion.

He stated that it was important that Management order staff not to have anything to do with Irish Water and that Donegal County Council stop co-operating with them.

He said that Donegal County Council were able to run the water system, it just needed money to be invested into it.

Clr Campbell resumed the Chair at this point.

Clr John Seamais O’Ferraigh expressed his support for the motion.

Clr Rena Donaghey stated that Water was a basic need. She acknowledged the stance taken by Clr Barry O Neill and the other members of the Fine Gael Party in the chamber.

She alledged that Irish Water had no plans for Group Water Schemes. She expressed her concern at Irish Water seeking peoples PPS numbers and the possibility that they would be sold on to a private company if Irish Water was privatised.

Clr Donaghey congratulated Donegal County Council on the excellence of the service they had provided to citizens and she expressed her support for the abolition of Irish Water.

Clr Nicholas Crossan stated that Irish Water was a backward step. He asserted that the money would have been better spent fixing leaks and improving the system.

He told those present that people cannot afford to pay any more and that they resented the arrogance of the way the charge was imposed on them. He expressed his support for the motion.

Clr Martin McDermott expressed his support for the motion and called for the abolition of Irish Water.

Clr Albert Doherty welcomed the motion and spoke in support of it. He advised that the Government didn’t seem to realise that people can’t give any more. He stated that Irish Water was a fiasco and had to go. He expressed his belief in public ownership of the water system and the need for it to be salvaged. He welcomed Clr McGowan’s call for party unity on the matter.

Clr Seamus O’Domhnaill expressed his apologies for his late attendance at the meeting. He stated that the motion was a timely and sensible one. He called for the abolition of Irish Water and an

end to water charges. He advised that he fully supported the motion.

Clr James Pat McDaid thanked Clr McBrearty and Mac Giolla Esabuig for bringing the motion to the meeting. He said that this special meeting was an opportunity for people to send a message to the Government that they are not supporting water charges or Irish Water and want them abolished. He advised that he was delighted to support the motion.

Clr Bernard McGuinness expressed his apologies for his late arrival. He advised that he agreed that the Council should stand together on this matter. He said that people cannot divorce what is happening now from what has happened in the past.

Clr McGuinness also advised that a lot of people were already paying for water through commercial metered water. He raised the issue of the Service Plan between Donegal County Council and Irish Water and in particular Section 15. He felt this matter should be revisited.

At this point of the meeting, Clr Campbell confirmed with the members that any member who wished to speak had done so. He then advised the members that under Standing Order 32 a motion can only be amended by the person who submitted the motion.

Cr McBrearty advised the members that he did not wish to amend the wording of the motion and asked that they support the motion as it stands.

Clr Brogan advised that the strongest voice was one of unity and he withdrew his motion to amend the original motion.

Clr Campbell spoke in support of the motion. He called on the public to continue to protest against water charges and to boycott the payment of them.

He stated that the motion, if adopted, would not change anything but it would increase the pressure to listen to the will of the people.

On the proposal of Clr Mick Quinn, seconded by Clr Garry Doherty, members agreed to hold a recorded vote on the motion.

On the proposal of Clr McBrearty, seconded by, Clr MacGiolla Easbuig the original motion was put to the members:-

“I independent Cllr Frank McBrearty Jnr propose that we the members of Donegal County Council pass resolution calling on the Government to abolish water charges on Residential homes and that the Government fully commits to holding a referendum to not privatise our natural resource of water, which belongs to the Irish people”

Following a recorded vote the motion was carried with 33 for and one abstention.

Those voting in favour were Clrs Blaney, Bonner, Brogan Campbell, Canning, Conaghan, Crawford, Crossan, Doherty A, Doherty G, Doherty L, Donaghey, Gallagher, Jordan, Kavanagh, Kennedy, MacGiolla Easbuig, McBrearty, McBride, McDaid, McDermott, McEniff, McGarvey, McGowan, McMonagle, Murray, O Domhnaill, O Donnell, O Fearraigh, O Neill, Quinn, Ryan, Shiels and Slowey. Clr McGuinness abstained.

The Cathaoirleach declared the motion carried.

Clr McBrearty thanked all the members for standing together in support of all the citizens. He felt that this was a clear indication that local democracy has spoken and represent the people of this county at a local level.

He felt that a clear message was being sent to the Government that the people of this county and this country cannot pay any more. He commended the bravery of Fine Gael members in supporting the motion.

He called on people to stand together and not pay the Water Charges.

He stated that TD's now had a responsibility to put down a motion to disband Irish Water and to bring the services back to local authorities. He thanked the chair and members for their support.

This concluded the business of the meeting.