



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 11 FEBRUARY 2015
COMMENCING AT 3.04PM
AT THE YORK
RECREATION & CONVENTION CENTRE**

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON WEDNESDAY, 11TH FEBRUARY 2015, COMMENCING AT
3.04PM AT THE YORK RECREATION & CONVENTION CENTRE

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Commissioner, James Best, declared the meeting open at 3.04pm

1.2 Disclaimer

The Commissioner advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Suspension of Standing Orders – Clause 3.2 – Order of Business

Commissioner declared Standing Orders will be followed.

1.4 Announcement of Visitors

The Commissioner welcomed the Shire President Cr Matthew Reid, and Councillors Smythe and Hooper.

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Nil

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Commissioner

James Best

2.2 Staff

Graeme Simpson, Acting Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive Officer; Tabitha Bateman, Financial Controller; Gail Maziuk, Compliance/Human Resources; Allan Rourke, Manager Works & Services, Helen D'Arcy-Walker, Executive Support Officer

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 25 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Commissioner, James Best, provided the following statement at the commencement of Public Question Time:

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

“Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.

- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.
- Where possible questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.
- Shire of York guidelines for Public Question Time are included on the meeting agenda.”

PRESIDING OFFICER

21 October 2013

4.1 Public Question Time – Written Questions – Current Agenda

Nil

4.2 Public Question Time – Current Agenda

Public Question Time commenced at 3.06pm

Ms Liz Christmas

Question 1:

On page 10 of the Annual Report 2013/2014 it states that "Contributors to the approximately \$1.3 million dollars [\$1,337,699] surplus include incomplete road and footpath construction works, grant funds received for bridge upgrades not completed and unspent SEARTG funds", though it does say that "most of the non-completed works have been included in the 2014/2015 budget".

- (a) Is the Commissioner aware that round 2003-4 The Shire failed to utilise Commonwealth Grant funding given specifically for upgrade of a particular bridge in York, and that this failure, while it may not have been the only factor, did contribute towards the situation which led to the collapse of Council and the appointment of a Commissioner for 2005?
- (b) Does the Commissioner have any idea why this same sort of thing has happened again, suggesting a propensity of this Shire to fail to spend monies granted for particular purposes such as bridge upgrades within the stipulated time-frame?

Response:

As I am not aware of the situation I will take the questions 'on Notice'.

Question 2:

On page 8 of the Annual Report there are 33 names of administration staff for the period, and 7 of those are listed as having 'left the employ of the Shire in this financial year'. That constitutes 21% of the staff.

Do the Commissioner or the CEO have any idea why such a proportion of staff resigned in the period, and how does it compare with the usual annual rate?

Response:

Commissioner replied that in some country towns this does happen. Many factors are involved including promotions, family requirements and further opportunities also, if an organisation is not functioning well, staff will leave.

The A/CEO stated that in the metropolitan area some local governments have a 20% turnover of staff. 20% seems to be a problem figure. There has been some turmoil in York over the years and it is not surprised this is happening. We will look into it and see what we can determine.

There were no further questions from the Gallery and Public Question time was declared closed at 3.12pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Commissioner announced he had asked the Acting Chief Executive Officer, Graeme Simpson, to extend his contract, as the Shire requires continuity and stability as we have had three CEO's since April last year.

Over the next 5 months I will engage with the community in the visioning for a brighter future for York. Over the coming months the community is encouraged to consider what York could look like in the next 10 years? What are the ideas York might do to celebrate its 200 years Centenary? My role in the next 5 months is to facilitate this. I will also look at the Fitz Gerald Report and offer to meet with those named in the report and those aggrieved with the Report. I wish to draw a line in the sand as people's lives are personally being affected. I will not be making any public statement regarding mediation over these matters.

I thank you for welcoming me to York and my door is always open.

9. OFFICER'S REPORTS

9.1 Development Services

Nil

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Increase Number of Councillors

FILE NO: OR.CLR
COUNCIL DATE: 11 February, 2015
REPORT DATE: 29th January, 2015
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: GK Simpson, A/CEO
REPORTING OFFICER: GK Simpson, A/CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

Summary:

This report seeks the Commissioner's approval to submit a proposal to the Local Government Advisory Board to increase the number of offices of councillor from 6 (six) to 7 (seven) and the change to be effected at the October 2015 Ordinary Election.

Background:

The current Councillors indicated prior to their suspension that the existing number of 6 (six) Councillors has added to governance difficulties on many occasions by splitting the vote 3-3. The extra Councillor would avoid the tied vote issues.

Consultation:

Councillors
Commissioner of York
Local Government Department Officers

Statutory Environment:

Section 2.18(3) of the Local Government Act 1995 provides the Deed of Power for an order to be issued to increase the number of officers of Councillors.

Schedule 2.2 clause 5(b) of the Local Government Act provides for the proposal to be deemed by the local government to be of a minor nature and the electorate does not need to be invited to vote on the issue.

Policy Implications:

Nil

Financial Implications:

The costs associated with the increase in membership will add 16.7% fees and allowances but in the overall governance budget will add approximately 3.2% or approximately \$22,670 per annum for members section of the budget.

Strategic Implications:

The extra Councillor will reduce the Elector/Councillor ratio which should translate into better governance.

In 2011 York population – 3,395. Elector/Councillor ratio 565.8

In 2015 York population – 3,821. Proposed Elector/Councillor ratio 545.8

Voting Requirements:
Commissioner's Voting Support

Site Inspection:
Site Inspection Undertaken: Not Applicable

Demographic Trends:
The York population figures based on ABS records are 2006 (3,117); 2011 (3,395) and with a growth rate of 1.7% with a projected population of 3,821 for 2015.

There were 116 persons enrolled on the 2013 Owner and Occupiers Roll.

Triple bottom Line Assessment:
Economic Implications:
Not Applicable

Social Implications:
The uneven number of Councillors should reduce the number of times the Presiding Member needs to exercise a casting vote.

Environmental Implications:
Not applicable

Officer Comment:
In 2005 some thought was given to the question of whether 6 (six) or 7 (seven) members should be appointed and the final position was that Council recommended 6 (six) members, being the minimum possible, however the views expressed by some Councillors are:

- On occasion when more than 1 (one) Councillor is absent it is often difficult to obtain an absolute majority when voting
- Seven members will provide a better sharing of the work load for meeting attendance, representation on community Committees and improve voter equity ratio
- There will be a reduction in the number of times a casting vote is exercised
- The Wheatbelt Development Commission's Sub-Regional Economic Strategy (2012) estimated York's residential population at 3,688 persons in 2011, which is 14.1% higher than the estimated 3,233 residents in 2001, which represents some 13.5% of the total Avon sub-region, and is the third largest LGA population behind Northam (11,516) and Toodyay (4,767). The economic analysis undertaken in the Super Towns planning justifies a sub-regional population of 50,000 by 2030 subject to favourable economic conditions. Analysis of individual communities' existing capacity to grow as well as their competitive advantage has resulted in a proposed population distribution of 7,000 residents in York (equating to an annual growth rate of 6.6%).

**RESOLUTION
010215**

"That the Commissioner:

In accordance with Schedule 2.2 clause 5(b) of the Local Government Act 1995 (the Act), in the opinion that the proposal is one of a minor nature and is not one about which public submissions need to be invited, recommends to the Local Government Advisory Board that an order be made under Section 2.18(3) of the Act to increase the number of offices of councillor for the Shire of York from six (6) to seven (7) and that the change be implemented at the October 2015 ordinary local government elections."

The Commissioner Declared the Motion Carried

9.3 Works Reports

Nil

9.4 Financial Reports

9. OFFICERS' REPORTS

9.4 FINANCE REPORTS

9.4.1 Annual Report and Electors Meeting

FILE: FI.FRP.2
COUNCIL DATE: 11 February 2015
REPORT DATE: 27 December 2014
LOCATION/ADDRESS: N/A
APPLICANT: N/A
SENIOR OFFICER: Graeme Simpson, A/CEO
REPORTING OFFICER: Tabitha Bateman, Financial Controller
Gail Maziuk, HR/Compliance
DISCLOSURE OF INTEREST: Nil
APPENDICES: 2013/14 Annual Report, Annual Financial Report & Auditors Statement
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

Summary:

This report recommends that the Annual Report for the Shire of York for the Year Ended 30th June 2014 be accepted and that the Annual General Meeting of Electors' be held on Wednesday, 25th February, 2015.

Background:

The Council prepares an annual report for each financial year ending 30 June. Items to be included in the annual report are prescribed in the Local Government Act 1995.

It includes a summary of the Council's annual activities, including the audited annual financial statements and Independent Audit Report.

Consultation:

Auditors
Staff
DCA – Consultants

Statutory Environment:

Local Government Act, 1995 (As Amended) - the following sections of the Act are relevant to the receipt of the Annual Report and the convening of the Annual Electors Meeting:

"5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]*

- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
- (f) the financial report for the financial year; and
- (g) such information as may be prescribed in relation to the payments made to employees; and
- (h) the auditor's report for the financial year; and
- (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
- (i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6.]

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

[Section 5.56 inserted by No. 49 of 2004 s. 42(6).]

[5.57, 5.58. Deleted by No. 49 of 2004 s. 42(6).]

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Commissioner's Voting Support

Site Inspection:

Site Inspection Undertake: Not applicable

Comment:

As required by legislation Council's accounts for the year ended 30th June 2014 were audited by Council's Auditors Macri Partners.

Council has met the statutory requirements thus far and to complete the processes it is recommended that Council receive the report and progress to advertising for a period not less than 14 days and convene an Electors Meeting commencing at 5.00pm on the 25th February, 2015.

RESOLUTION

020215

"That the Commissioner:

- 1. Accepts the Annual Report, incorporating the Annual Financial Report and the Audit Report for the year ended 30 June 2014;***
- 2. Gives local public notice of the availability of the Annual Report; and***
- 3. Authorises the Acting Chief Executive Officer to convene the Annual Electors' Meeting, providing a minimum of 14 days' local public notice, to be held on Wednesday, 25th February, 2015 at 5.00pm."***

The Commissioner Declared the Motion Carried

Appendices Attached

9.5 Late Reports

Nil

9.6 Confidential Reports

Nil

10. CLOSURE

Commissioner, James Best thanked everyone for their attendance and declared the meeting closed at 3.24pm.