



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 25 MAY 2015  
COMMENCING AT 4.05pm  
AT THE TALBOT HALL, TALBOT**



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## SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL  
HELD ON MONDAY, 25<sup>TH</sup> MAY, 2015, COMMENCING AT  
4.05PM AT THE TALBOT HALL, TALBOT

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 4.05pm and thanked the Talbot Brook Community Group for their hospitality.*

#### 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 current Standing Orders will apply.

#### 1.4 Announcement of Visitors

*Welcomed the Talbot Brook Community Group to the meeting.*

#### 1.5 Declarations of Interest that Might Cause a Conflict

##### **Financial Interests**

*Graeme Simpson, Acting CEO – Item 9.2.2 – Appointment of New Chief Executive Officer - Financial Interest*

##### **Disclosure of Interest that May Affect Impartiality**

*Nil*

## 2. ATTENDANCE

2.1 Commissioner  
*James Best*

2.2 Staff  
*Graeme Simpson, Acting Chief Executive Officer; Allan Rourke, Manager Works & Services, Gail Maziuk, Compliance/Human Resources; Helen D'Arcy-Walker, Executive Support Officer*

2.3 Apologies  
*Cr Pat Hooper; Cr Denese Smythe*

2.4 Leave of Absence Previously Approved  
*Nil*

2.5 Number of People in Gallery at Commencement of Meeting  
*There were 12 people in the Gallery at the commencement of the meeting  
Shire President, Cr Matthew Reid arrived after the commencement of the meeting*

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

### **Mr Simon Saint**

#### **Public Question Time – 28<sup>th</sup> April, 2015**

##### **Question:**

I received correspondence from the Shire of York dated 2<sup>nd</sup> April, 2014 – can you confirm that the 'poor quality of my life' related to my wife's medical condition?

##### **Response:**

The letter referred to in your question was written by a former Chief Executive Officer and we do not know what was in his mind at that time. The Commissioner and current Acting Chief Executive Officer are not qualified to make a judgement on the matter.

### **Ms Tricia Walters**

#### **Public Question Time – 28<sup>th</sup> April, 2015**

##### **Question:**

Why has Council changed the way that Sponsorship Funds are allocated and why has such a disproportionate amount been allocated to Sports? For example, Sports (recreation) receives approximately \$2.5 pa Budget allocation, which is 50% of all rates monies of 25% of total revenue, plus \$3M in loans and now a funding pool of \$10,500 pa. Whereas Talbot Brook require a new toilet for \$8,500 and the annual maintenance funding is going to be deducted from this amount. May I suggest that the \$8,500 would be better spent at Talbot Brook toilet

**Response:**

The Shire has been working at changing the way sponsorships are dealt with and did this by implementing funding pools, however due to unexpected expenditure this year it made the process difficult to administer.

Please find below other 2014/15 sponsorship allocations in the budget:

Admin 41105	Sponsorship	\$14,000
41112	Public Relations	\$53,030
132102	Town Promotions	\$15,000
132145	Area Promotions	\$30,000
132150	Festival Assistance	<u>\$68,000</u>
		<u>\$180,000</u>

It should be noted that the sponsorship funding pool from general ledger 41105 were used to pay for part of the Fitzgerald Report.

Swimming Pool	248590	} 2,297,944
Rec Centre	2049354	
Hall	<u>170106</u>	
	<u>2,468,050</u>	

Please also note that Sports (recreation) that you refer to covers all types of recreation i.e. passive, parks & gardens, culture to name a few.

The Talbot Brook Community Group is an active group that is seeking funds through grants. Further assistance maybe needed to assist further, dependant on any outcomes of grants.

**4. PUBLIC QUESTION TIME**

*The Commissioner 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**

*Public Question Time – Written Questions - commenced at 4.10pm*

The Commissioner explained that ordinarily people need to be present for a public response to be provided at a Council meeting – otherwise the question will be taken as correspondence and a response provided accordingly.

In this situation given the meeting is being held at the Talbot Hall and it is not reasonable to expect people to attend this remote location, an exception will be made and all questions provided with notice will be responded to.

**Mr Simon Saint (Not Present)**

#### **Question received 7<sup>th</sup> May, 2015:**

Advice was received by the Department that legislation did not allow for Council to ban a member of the public from asking questions at public question time. The Deputy CEO was advised of this on the 18<sup>th</sup> September, 2012, the very day after the Shire President, Cr Boyle, banned me from asking questions. Considering the advice from the Department why was I banned for a period of one year? Did the Deputy CEO inform all Councillors of this advice?

#### **Response:**

The advice from the Department of Local Government was not definitive legal counsel.

There is no record to indicate that written information was conveyed to Councillors. The most likely scenario is that the information would have been conveyed verbally to the Shire President and Chief Executive Officer.

#### **Question received 15<sup>th</sup> May, 2015**

The Shire of York banned me from asking questions at public question time for a period of one year. What legislation enabled the Shire of York to do this?

#### **Response:**

The Local Government Act 1995 is written as a ‘General Competence Power’ which means that the local government can determine what is good governance providing it doesn’t clash with Federal and State laws. It is the opposite of the 1960 Local Government Act that was ‘Ultra Vires’ Legislation meaning that local government had no powers unless expressly stated in the legislation.



**Mrs Roma Paton (Not Present)**

**Question 1:**

Does the Shire of York have a copy of the so called 'Minority Report' prepared by Cr Hooper and submitted to David Morris of the DLG?

**Response:**

Yes

**Question 2:**

If you do have it will you release it to the public?

**Response:**

No

**Question 3:**

If not, why not?

**Response:**

This document is not the Shire's document to release.

The confidential document was provided to the Minister for Local Government.

In my capacity as Commissioner, the author provided me a confidential courtesy copy to assist in my understanding of the deliberations under the Show Cause Notice.

## **4.2 Public Question Time**

**Mr John Oliver**

**Question 1:**

Will all aspects of the role of Assistant CEO be considered prior to any employment contract being renewed or created? This includes demonstration of all areas of responsibility and obligation to the community, employing authority, fellow staff members and State regulations.

**Response:**

The Commissioner stated that in his capacity as Commissioner it is incumbent on him to be only involved with the initial Contract or the termination of a Contract. The Commissioner said he would consider all facts, strengths and risks, bearing in mind that it is not the authority or decision of Councillors to employ the Deputy Chief Executive Officer. The Chief Executive Officer employs all staff which includes the Deputy Chief Executive Officer.

**Question 2:**

Will these stringent conditions be applied to all future employment of Shire staff?

**Response:**

The Acting Chief Executive Officer stated that all performance issues are on notice throughout the year. All performance indicators are in the contract when the job was first advertised, and the review followed format laid out. An independent authority undertook the performance review to ensure procedural fairness.

The Acting Chief Executive Officer stated that for all contracted Senior Officers the performance criteria is advertised and contracts are put to Council for ratification or veto. However the Chief Executive Officer manages this process. If a sacking is recommended by the CEO the Council has a veto to stop this from happening. Ultimately it is the Chief Executive Officer has all the responsibility of employing the Deputy Chief Executive Officer.

**Mr Denis Warnick**

President of the Talbot Brook Community Group

**Question 1:**

Some years after the initiation what is the progress of the application to transfer the lease of the Talbot Hall Reserve from the Shire of York to the Talbot Brook Community Group?

**Response:**

Commissioner stated the Shire is keen for the Talbot Brook Community Group to have the lease. Mrs Maziuk stated that this lease was submitted to Landgate, however due to a format error the documents were rejected. This needs to be fixed and a further statutory declaration may need to be resigned.

The Commissioner stated that it is not a complicated process, however could take 2 months to 2 years to complete as we are in the hands of Landgate. Now that the issue has been raised, Mrs Maziuk will follow the issue through.

**Question 2:**

On behalf of the Talbot Brook Community Group we would like to enquire about the proposed upgrade to the Telecommunications coverage to enable us to have appropriate emergency response time.

**Response:**

Commissioner Best stated that appropriate emergency cover is paramount. Mrs Maziuk stated this is also being handled by the LEMC committee who are putting pressure on Telstra. Hon Christian Porters office is also making Telstra aware of this issue. We have not heard back. Commissioner Best said we can follow up on this issue as it should become a priority. It is also important to continue reminding the agency and Minister and suggested that every three months the Talbot Brook Community Group write to Hon Christian Porter's office and also maintain pressure on Telstra.

**Mrs Kathy Emin**

**Question 1:**

I am a farmer and a Haulage Contractor. I would like to ask the Shire whether they have had consultation from Main Roads and governing bodies as to the implications for the York Shire Councils part in the new legislation 'Chain of Responsibility' which has since come into effect on the 27<sup>th</sup> April, 2015.

It has come to my attention through media that roads are to be inspected and assessed accordingly. If the roads are not suitable for RAV access, Main Roads will provide advice to CBH and local government (road owner), on what works will be required to the road to meet the standards?

These regulations will have a major impact on our business and operations. We need to be kept informed as to how we are all going to meet the requirements and fulfil our responsibilities in the chain.

**Response:**

The Works Manager responded that he has had a meeting with Main Roads recently and this topic was discussed. From a Main Roads perspective they want to link up roads up creating continuity within all Shires. However cannot link up all roads to RAV roads. The Shire has submitted an assessment of our roads to Main Roads – recognising that for RAV 3 permits, Shire cannot give these permits. A reassessment of some roads has granted RAV 3 access to RAV 4, however not all roads have complied.

Trucks on roads have gotten bigger. Some road have not been made for RAV 3 and Main Roads are passing the problem back to Shires to look after roads.

There are no implications for the Shire of York with the 'Chain of Responsibility' legislation unless the Shire is receiving a delivery by a contractor and then the Shire becomes a part of the Chain of Responsibility.

Foot Note: The RAV Access and road assessment are not connected with the Chain of Responsibility Legislation. Further information can be obtained on the Main Roads Western Australia website.

**Question 2:**

Why can't we upgrade roads?

**Response:**

The Works Manager responded that roads can be upgraded based on information regarding usage and budget constraints. These roads need to be prioritised.

**Question 3:**

Can conditions be placed on a road e.g. speed limits?

**Response:**

The Works Manager responded that conditions can be applied if the road passes assessment. E.g. if a turning at a 'T' junction is not good enough then the road will not be passed.

Commissioner Best asked if this conversation is taking place at the road group meetings?

Works Manager stated that it has gone through the regional road groups. All are having the same meetings. Questions have been asked to Main Roads, is there going to be money available to upgrade roads?

**Question 4:**

Will the West Talbot Road be upgraded to a RAV3/4 (Main Roads) when the bridge has been replaced or upgraded? What time line would this be?

**Response:**

Works Manager stated that it is in this year's budget. However, unable to allow a detour or close half the bridge. After harvest next year the Shire will announce the bridge is closed to allow an upgrade. The Talbot West Road will be re-assessed for a RAV 4 status once the bridge is re-constructed.

Explanation Note: RAV stands for "Restricted Access Vehicle" which means Prime Mover, Semi Trailer towing a 2, 3, 4 or 5 axle dog trailer up to 27.5 metres in length with a maximum tonnage of 84 tonne.

## **Ms Jane Ferro**

### **Question 1:**

From the applicants put forward who has been shortlisted to represent the Shire of York at the JDAP hearing?

### **Response:**

The names have been sent to the Department of Planning.

Names of Representatives – Taken on Notice

### **Question 2:**

I understand both the Commissioner and Jacky Jurmann believe SITA's rubbish dump will go ahead, even though submissions closed today and have not been analysed. Please explain the basis of this belief.

### **Response:**

The Commissioner stated that it is important for Council keep an open mind on the new proposal. The perception that SAT are considering approval comes from the tone set by the Presiding Officer at the last SAT hearing the Commissioner attended, with the focus on smaller footprint and moving of the landfill away from the creek. The Commissioner said he hoped he was wrong and encouraged residents to make submissions.

### **Question 3:**

Will we have another town meeting where the analysis can be put forward?

### **Response:**

The Commissioner stated he had asked Robyn Davies, Kaye Davies and AVRA to set up a town meeting. If SITA is invited they have indicated that they would attend.

### **Question 4:**

You were recently seen with SITA's lawyer, Michael Veros. What was the context of your conversation?

### **Response:**

This discussion was after the SAT hearing and was about encouraging SITA to explain the changes to the community and about the need for the company to advertise what it intends.

### **Question 5:**

Was the Shire of York successful in its grant application for the ANZAC Centenary memorial upgrade, etc? If yes, how have the funds been applied?

### **Response:**

Mrs Maziuk replied that the Shire of York was successful with the grant application. The funds are being put towards a couple of different projects that were specified in the application. The funds will be unable to go towards purchasing the Statue that is currently on loan from the artist.

### **Question 6:**

Why is the Deputy CEO's contract renewal coming up now? Are qualifications and unsatisfactory performance being considered? Can other qualified people apply for the Deputy CEO position? Will the consultant's comments regarding the re-appointment of the Deputy CEO be available to residents? Why is the new CEO not being allowed to choose a well qualified Deputy CEO rather than assume the incumbent is acceptable and capable?

**Response:**

The Acting Chief Executive Officer replied that no statutory qualifications are required for the position. A set criteria is applied to the position. The position will not be advertised as it is a renewal of a contract. All matters to do with staff are confidential, however in general if an employee is not performing well within a position they can be terminated. By renewing the Deputy CEO's contract now gives stability and continuity for all staff and the new Chief Executive Officer.

*There were no further questions from the Gallery Public Question time was declared closed at 4.47pm*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS & NOTES OF THE AGENDA SETTLEMENT BRIEFING**

7.1 Minutes of the Special Council Meeting held April 21, 2015

Corrections

Confirmation

**RESOLUTION  
010515**

***"The Commissioner Confirmed:***

***That the minutes of the Special Council Meeting held April 21, 2015 be confirmed as a correct record of proceedings."***

***The Commissioner Declared the Motion Carried***

7.2 Minutes of the Ordinary Council Meeting held April 28, 2015

Corrections

Confirmation

**RESOLUTION  
020515**

***"The Commissioner Resolved:***

***That the minutes of the Ordinary Council Meeting held April 28, 2015 be confirmed as a correct record of proceedings."***

***The Commissioner Declared the Motion Carried***

7.3 Notes of the Agenda Settlement Briefing – May 18, 2015

Officers of the Shire of York presented background information on reports to be considered at the May Ordinary Council Meeting at the Agenda Settlement Briefing held on May 18, 2015.

Recommendation:

**RESOLUTION  
030515**

***“The Commissioner Resolved:***

***That the notes of the Agenda Settlement Briefing held on May 18, 2015 be noted.”***

***The Commissioner Declared the Motion Carried***

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Commissioner Best stated he had been asked how public question time is managed at the Agenda Settlement Briefings. The Commissioner stated that questions must only relate to the Agenda items, also questions can be sent ahead of the Agenda Settlement Briefing to elected members or in the case of the next month to the Commissioner himself. The questions would then be sent through to the Chief Executive Officer for further information to be provided. The public can also make a deputation at the Agenda Settlement Briefing to speak for or against a topic that is on that days Agenda.

For Ordinary Council meetings it is requested that general questions be sent in as early as possible so that a well researched response can be prepared.

**9. OFFICER’S REPORTS**

## 9.1 Development Services

Nil

## 9.2 Administration Reports

### 9. OFFICER'S REPORTS

#### 9.2 ADMINISTRATION REPORTS

##### 9.2.1 Shire of York – Additional Office of Councillor Approval

**FILE NO:** OR.IGR.8  
**COUNCIL DATE:** 25 May 2015  
**REPORT DATE:** 8 May 2015  
**LOCATION/ADDRESS:** Shire of York  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** G K Simpson, A/CEO  
**REPORTING OFFICER:** G K Simpson, A/CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Department of Local Government & Communities  
Letter of 29<sup>th</sup> April, 2015  
**DOCUMENTS TABLED:** Nil  
**REPORT APPROVED BY THE A/CEO:** *Graeme Simpson*

#### **Summary:**

The Local Government Advisory Board has approved the Shires request for an additional office of Councillor so as to increase the number to seven.

#### **Background:**

The Shire formally resolved at a Special Meeting on the 4<sup>th</sup> February, 2015 that the additional vacancy be sought and applied to the 2015 October biennial election.

#### **Consultation:**

Not applicable at this stage of the process.

#### **Statutory Environment:**

Local Government Act  
Governors Approval to be published in the Government Gazette

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Provision has been made in the draft 2015/16 budget.

#### **Strategic Implications:**

The 2015 election will now involve five vacancies to be contested and two of the current members will remain in office until 2017.

#### **Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken: Not Applicable**

**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:**

Nil

**Officer Comment:**

The change in membership after the 2015 October election will mean at least four (4) new members and possibly five (5) new members which would logically suggest that the newly elected Council should make the decision on appointing the new Chief Executive Officer.

**ASB Comment**

This issue was originally raised by the suspended Council. It would be advantageous to have seven elected members as this would share the work load further and provide democracy for York. Having a six member Council, as current, is one of the lowest in Western Australia.

**OFFICER RECOMMENDATION**

*“That the Commissioner:*

*Notes the statutory change to the number of Councillors to be applied after the 2015 October elections.”*

***The Commissioner Moved the Officer Recommendation:***

***Motion to Amend:***

***Delete ‘Notes’ and amend to read ‘Adopts’.***

**RESOLUTION**

**040515**

***“That the Commissioner:***

***Adopts the statutory change to the number of Councillors to be applied after the 2015 October elections.”***

***The Commissioner Declared the Motion Carried***



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**

**Disclosure of Interest: Graeme Simpson, Acting CEO – Financial Interest**

*The Acting Chief Executive Officer advised he had a financial interest whilst employed in the office of Acting Chief Executive Officer and then a continuing financial interest as the recruitment process is delayed.*

**9.2.2 Appointment of New Chief Executive Officer**

**FILE NO:**  
**COUNCIL DATE:** 25 May 2015  
**REPORT DATE:** 8 May 2015  
**LOCATION/ADDRESS:** Shire of York  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** G K Simpson, A/CEO  
**REPORTING OFFICER:** G K Simpson, A/CEO  
**DISCLOSURE OF INTEREST:** Acting CEO Graeme Simpson –  
Financial Interest  
**APPENDICES:** Integrated Planning & Reporting Cycle Diagram  
**DOCUMENTS TABLED:** Nil

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

**Summary:**

The approval of an additional Councillor for the Shire of York changes the numbers whereby four (4) new members will be elected at the October election (an absolute majority) and possibly five (5) new members.

It is suggested that the new Council should appoint its own person to the position of Chief Executive Officer.

**Background:**

The two recent resignations, pending retirement of Councillor Hooper, the scheduled expiry of Councillor Smythe's seat and the now definite new vacancy make it essential to wait until October because the newly elected Councillors will amount to an absolute majority that has not been involved in the selection.

**Consultation:**

Commissioner

**Statutory Environment:**

Local Government Act Section 5.36(2)(b) an Absolute Majority is required for the acceptance of a Chief Executive Officer contract, therefore it is best to ensure that a comfortable majority make the appointment. During the months of August, September and October there will only be three (3) members which is not an absolute majority.

**Policy Implications:**

Nil

**Financial Implications:**

The position will be open to negotiation and is not expected to have an impact on the budget figure.

**Strategic Implications:**

The timing of the appointment will mean that a newly constituted Council with a newly appointed Chief Executive Officer will be able to jointly undertake the required Integrated Planning and Reporting Cycle for the four (4) year detailed review and then follow-up with the desk top two (2) year review.

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken: Not Applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Not Applicable

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Officer Comment:**

The Shire is currently under contract to Lo-Go Appointments to manage the appointment process and a schedule of events has been requested.

Documentation for the advertising and draft contract were completed for the 2014 advertisement and will be reviewed to ensure that the issues are relevant.

**ASB Comment**

This is an important issue for Council as it is the CEO who sets the tone for liaison with Administration and the current A/CEO hopes that Council is aware of this. There is also a need for the seven elected members to make the important decision for the employment of a new CEO. The new Chief Executive Officer will lead the Integrated Planning with the new Council to set the new path for York.

**RESOLUTION**

**050515**

***"That the Commissioner:***

***Adopt the proposal to schedule the appointment of a new Chief Executive Officer to occur after the 2015 October election and request Lo-Go Appointments to submit the relevant documentation for Council's consideration."***

***The Commissioner Declared the Motion Carried***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.3 Record Keeping Plan Review

FILE NO: AS.RMT.4  
COUNCIL DATE: 25 May 2015  
REPORT DATE: 11 May 2015  
LOCATION/ADDRESS: N/A  
APPLICANT: N/A  
SENIOR OFFICER: Graeme Simpson – A/CEO  
REPORTING OFFICER: Tyhscha Cochrane – Deputy CEO  
Gail Maziuk – HR/Compliance Officer  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Records Keeping Plan Review Report  
REPORT APPROVED BY THE A/CEO: Graeme Simpson

**Summary:**

To review the Recordkeeping Plan (RKP) 2010 in accordance with the State Records Act 2000.

**Background:**

The Shire of York developed a Recordkeeping Plan (RKP), as required by the Act and Council adopted the first version on 16 February 2004.

The current Recordkeeping Plan was approved at the Ordinary Council Meeting held on the 15 February 2010.

**Consultation:**

Staff

**Statutory Environment:**

Compliance with reporting requirements and necessity to meet the standards of practice stipulated by the State Records Act 2000.

**STATE RECORDS ACT 2000 - SECT 28**

***Review of plans***

- (1) *A government organisation may review its record keeping plan at any time.*
- (2) *A government organisation must review its record keeping plan whenever there is any significant change to the organisation's functions.*
- (3) *The Commission may require a government organisation, other than a Schedule 3 organisation, to review its record keeping plan.*
- (4) *The relevant Minister may require a Schedule 3 organisation to review its record keeping plan.*
- (5) *Not more than 5 years is to elapse between the approval of a government organisation's record keeping plan and a review of it or between one review and another.*

- (6) *When a government organisation, other than the Commission or a Schedule 3 organisation, has reviewed its record keeping plan it must submit a report of the review to the Commission.*
- (7) *When a Schedule 3 organisation has reviewed its record keeping plan it must submit a report of the review to its relevant Minister.*

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

Strategic Plan – Strengthen Shire Leadership

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

There are costs associated with compliance to legislation.

**Social Implications:**

The document was developed especially for administration staff to help them understand their roles and responsibilities for the making and keeping of proper and adequate government records, and to define the principles that underpin the Shire's record keeping function. It provides a framework for the reliable and systematic management of Shire records in accordance with legislative requirements and best practice standards.

**Environmental Implications:**

Not applicable.

**Comment:**

The State Records Act 2000 states that Recordkeeping Plans are to be reviewed at least once every five years.

Government organisations are required to review their RKPs and submit a report of the review to the State Records Commission, via the State Records Office, prior to the expiration of the 5 year period. The purpose of the review is to enable government organisations to comply with section 28 of the Act and to ensure that their recordkeeping systems are continually evaluated and improved in order to meet compliance requirements and continuing business needs.

The organisation's existing approved RKP is to be revisited to establish three main objectives, namely whether recordkeeping practices within the organisation:

- are still meeting the organisation's business and legislative requirements; or
- have changed since the RKP was approved; or
- require improvement or need to be documented differently.

An RKP Review Form has been developed to assist government organisations with preparing their RKP review reports.

There have been many changes and it has been established that a review is required.

**ASB Comment:**

It is a statutory requirement to maintain a Record Keeping Plan. The Record Keeping Plan maintains corporate documents and also helps in finding documents in a timely manner.

**RESOLUTION**

**060515**

***“That the Commissioner:***

- 1. Adopts the Recordkeeping Plan Review Report, as required by the State Records Act 2000 and submit to the State Records Commission.”***

***The Commissioner Declared the Motion Carried***



9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.4 Probity Audit

FILE NO: FI.FRP.PPO  
COUNCIL DATE: 25 May 2015  
REPORT DATE: 8 May 2015  
LOCATION/ADDRESS: N/A  
APPLICANT: N/A  
SENIOR OFFICER: G K Simpson, A/CEO  
REPORTING OFFICER: G K Simpson, A/CEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Department of Local Government & Communities  
Letter of 7 April, 2015 and Response

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

**Summary:**

The Departmental letter requests Council's response to the issues listed in the report but points out that the Governor's Suspension Order has superseded the recommendations in the report that refer to elected members training.

**Background:**

The Probity Audit was conducted by the Department in September 2014 and identifies items of probity compliance that require attention.

**Consultation:**

Not Applicable

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

Site Inspection Undertaken: Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Not Applicable

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Officer Comment:**

An action plan to address recommendations will be tabled in response to the Probity Audit that has also been tabled.

**ASB Comment**

The Probity Audit had identified key activities that Council and Administration need to undertake. These key activities have been worked through in the last four months. The Minister for Local Government & Communities has requested a response to the audit which will be provided.

**RESOLUTION**

**070515**

***“That the Commissioner:***

***Provides a formal response and a detailed action plan and timeframe on how the Department’s Probity Report recommendations will be implemented.”***

***The Commissioner Declared the Motion Carried***



## 9.3 Works Reports

Nil

## 9.4 Financial Reports

### 9. OFFICER'S REPORTS

#### 9.4 FINANCE REPORTS

##### 9.4.1 Monthly Financial Reports – April 2015

**FILE NO:** FI.FRP  
**COUNCIL DATE:** 25 May 2015  
**REPORT DATE:** 5 May 2015  
**LOCATION/ADDRESS:** Not Applicable  
**APPLICANT:** Not Applicable  
**SENIOR OFFICER:** Graeme Simpson, Acting CEO  
**REPORTING OFFICER:** Tabitha Bateman, Financial Controller  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Yes – Appendix A as detailed in Summary  
**DOCUMENTS TABLED:** Nil

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

#### **Summary:**

The Financial Report for the period ending 30 April 2015 is presented for consideration.

Appendix A includes the following:

- Monthly Statements for the period ended 30 April 2015
- List of Creditors Payments
- Corporate Credit Card Transaction Listing

#### **Statutory Environment:**

Local Government Act 1995 (As Amended).

Local Government (Financial Management) Regulations 1996 (As Amended).

Australian Accounting Standards.

#### **Financial Implications:**

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 April 2015;

#### *Outstanding Rates and Services*

Total outstanding rates as at 30 April 2015 are \$1,059,740 compared to \$1,116,252 as at 31 March 2015 which is an increase to cash at bank of \$56,512.

3 Years & over	\$ 276,663	26.11% of rates outstanding
2 Years & over	\$ 181,113	17.09% of rates outstanding
1 Years & over	<u>\$ 217,351</u>	20.51% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 675,127</i>	<i>63.71% of rates outstanding</i>
Current rates	\$ 384,613	36.29% of rates outstanding

### *Outstanding Sundry Debtors*

Total outstanding sundry debtors as at 30 April 2015 are \$634,431 compared to \$410,047 as at 31 March 2015.

90 days & over	\$356,152	56.14% of sundry debtors outstanding
60 days & over	\$ 23,549	3.71% of sundry debtors outstanding
30 days & over	\$ 3,557	0.56% of sundry debtors outstanding
Current	\$251,173	39.59% of sundry debtors outstanding

### **Strategic Implications:**

Nil

### **Voting Requirements:**

Commissioner's Voting Support

### **Site Inspection:**

**Site Inspection Undertaken: Not applicable**

### **Triple bottom Line Assessment:**

#### **Economic Implications:**

A zero balance or surplus end of year financial position will increase community confidence and cohesion and provide an opportunity for improved community benefits in future years.

#### **Social Implications:**

Not applicable.

#### **Environmental Implications:**

Not applicable.

#### **Comment:**

Not applicable.

#### **ASB Comment:**

Not applicable

**RESOLUTION  
080515**

*“That the Commissioner:*

*Receives the Monthly Financial Report for April and ratifies payments drawn from the Municipal and Trust accounts for the period ending 30 April 2015:*

	<b><u>AMOUNT</u></b>
<b><u>MUNICIPAL FUND</u></b>	
<i>Cheque Payments</i>	\$ 49,370.11
<i>Electronic Funds Payments</i>	\$ 353,146.86
<i>Direct Debits Payroll</i>	\$ 147,777.26
<i>Bank Fees</i>	\$ 1,006.44
<i>Corporate Cards</i>	\$ 327.80
<i>Fire Messaging Service</i>	\$ 397.10
<b>TOTAL</b>	<b><u>\$ 552,025.57</u></b>
<b><u>TRUST FUND</u></b>	
<i>Cheque Payments</i>	\$ 10,210.00
<i>Electronic Funds Payments</i>	\$ 0.00
<i>Direct Debits Licensing</i>	<u>\$ 123,643.95</u>
<b>TOTAL</b>	<b><u>\$ 133,853.95</u></b>
<b>TOTAL DISBURSEMENTS</b>	<b><u>\$ 685,879.52”</u></b>

*The Commissioner Declared the Motion Carried*



**9. OFFICER'S REPORTS**  
**9.4 FINANCE REPORTS**  
**9.4.2 Monthly Financial Reports – March 2015**

**FILE NO:** FI.FRP  
**COUNCIL DATE:** 25 May 2015  
**REPORT DATE:** 20 April 2015  
**LOCATION/ADDRESS:** Not Applicable  
**APPLICANT:** Not Applicable  
**SENIOR OFFICER:** Graeme Simpson, Acting CEO  
**REPORTING OFFICER:** Tabitha Bateman, Financial Controller  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Yes – Appendix A as detailed in Summary  
**DOCUMENTS TABLED:** Nil

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

**Summary:**

The Financial Report for the period ending 31 March 2015 is presented for consideration.

Appendix A includes the following:

- Monthly Statements for the period ended 31 March 2015
- List of Creditors Payments
- Corporate Credit Card Transaction Listing

**Statutory Environment:**

Local Government Act 1995 (As Amended).

Local Government (Financial Management) Regulations 1996 (As Amended).

Australian Accounting Standards.

**Financial Implications:**

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 March 2015;

*Outstanding Rates and Services*

Total outstanding rates as at 31 March 2015 are \$1,116,252 compared to \$1,573,698 as at 28 February 2015 which is an increase to cash at bank of \$457,445.

3 Years & over	\$ 277,226	24.84% of rates outstanding
2 Years & over	\$ 182,163	16.32% of rates outstanding
1 Years & over	\$ <u>218,527</u>	19.58% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 677,917</i>	<i>60.73% of rates outstanding</i>

Current rates \$ 438,334 39.27% of rates outstanding

*Outstanding Sundry Debtors*

Total outstanding sundry debtors as at 31 March 2015 are \$410,047 compared to \$413,140 as at 28 February 2015.

90 days & over	\$338,817	82.63% of sundry debtors outstanding
60 days & over	\$ 18,517	4.52% of sundry debtors outstanding
30 days & over	\$ 23,775	5.80% of sundry debtors outstanding
Current	\$ 29,255	7.13% of sundry debtors outstanding

**Strategic Implications:**

Nil

**Voting Requirements:**  
Commissioner's Voting Support

**Site Inspection:**  
**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**  
**Economic Implications:**

A zero balance or surplus end of year financial position will increase community confidence and cohesion and provide an opportunity for improved community benefits in future years.

**Social Implications:**  
Not applicable.

**Environmental Implications:**  
Not applicable.

**Comment:**  
Not applicable.

**ASB Comment:**  
Not applicable.

**RESOLUTION**  
**090515**

*"That the Commissioner:*

*Receives the Monthly Financial Report for March and ratifies payments drawn from the Municipal and Trust accounts for the period ending 31 March 2015:*

	<u>AMOUNT</u>
<b><u>MUNICIPAL FUND</u></b>	
<i>Cheque Payments</i>	\$ 18,793.76
<i>Electronic Funds Payments</i>	\$ 883,703.06
<i>Direct Debits Payroll</i>	\$ 255,816.39
<i>Bank Fees</i>	\$ 606.18
<i>Corporate Cards</i>	\$ 530.00
<i>Fire Messaging Service</i>	\$ 243.98
<b>TOTAL</b>	<b><u>\$ 1,159,693.37</u></b>
<b><u>TRUST FUND</u></b>	
<i>Cheque Payments</i>	\$ 7,183.96
<i>Electronic Funds Payments</i>	\$ 0.00
<i>Direct Debits Licensing</i>	\$ 128,730.05
<b>TOTAL</b>	<b><u>\$ 135,914.01</u></b>
<b>TOTAL DISBURSEMENTS</b>	<b><u>\$1,295,607.38"</u></b>

*The Commissioner Declared the Motion Carried*

**9. OFFICER'S REPORTS**  
**9.4 FINANCE REPORTS**  
**9.4.3 Sponsorships**

**FILE NO:** FI.DON  
**COUNCIL DATE:** 25 May 2015  
**REPORT DATE:** 8 May 2015  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Various  
**SENIOR OFFICER:** Graeme Simpson – A/CEO  
**REPORTING OFFICER:** Tyhscha Cochrane – Deputy CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Appendix A – Sporting Groups  
**DOCUMENTS TABLED:** Nil

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

**Summary:**

Each year Council makes a number of contributions by way of donations to various community groups that operate within the York Shire. This report makes recommendations to Council for the disbursement of funds left in the funding pools related to sporting groups for the 2014/15 Budget.

**Background:**

Previously as part of Council's Annual Budget process, submissions for financial assistance with projects that benefit the community are called for, from local community groups and organisations. Those applying provide details about their project they are seeking funding for, including quotations and details of any other funding sources. All groups receiving non-recurrent funding are required to provide an acquittal report to Council, outlining how the funds were spent and providing copies of receipts where appropriate.

This year the way sponsorships were handled changed and money was allocated to a funding pool within different areas of the budget.

Due to additional unexpected expenditure this year and no formal process regarding how the funding was to be distributed the funding could not be finalised until such time as the Mid Year Review was complete, that now being the case Council is able to consider the allocations of the rest of the funds.

As a guide Council used the Shire of Boddington's LOAF Funding guidelines as a basis.

**Consultation:**

Council staff, Councillors and some applicants – ongoing.

Wayne Collins of the York Football Club attended the Briefing Session on the 20<sup>th</sup> April 2015. Due to the Grand Final being held in York this year it was seen that the moving of the switch for the siren should be a focus; this would therefore require further money.

A meeting with Hockey Club representatives was held on 22 April 2015 and projects were identified in relation to disabled access, fire extinguishers and security. It could be argued that these types of projects are the Local Government's responsibilities.

**Statutory Environment:**

Local Government Act 1995.

**Policy Implications:**

Not applicable.

**Financial Implications:**

General Ledger Account 113167 allowed for a funding pool of \$10,000, after the deductions of various expenditure throughout the year, \$4,688 is still available.

The following expenditure has already been provided for:

<b>Date</b>	<b>Description</b>	<b>Debit</b>
16/02/2015	SHIRE OF YORK SPONSORSHIP - TENNIS EVENING FRIDAY 13/2/15 - GREEN FEES & LIGHTING - YRCC SPONSORSHIP	158.86
19/02/2015	SHIRE OF YORK SPONSORSHIP - CHAIR HIRE 21/2/15 - YORK SWIMMING DISTANT MEET	152.73
16/03/2015	YORK BOWLING CLUB SPONSORSHIP - CORPORATE BOWLS FINAL 2015 SPONSORSHIP	500.00
30/03/2015	YORK BOWLING CLUB SPONSORSHIP - APRIL OPEN DAY 2015	3000.00
31/03/2015	YORK VOLUNTEER EMERGENCY SERVICES DONATION - CORPORATE BOWLS RAFFLE 2015	500.00
31/03/2015	ST JOHN AMBULANCE ASSOCIATION - YORK - CORPORATE BOWLS RAFFLE 2015	500.00
31/03/2015	YORK VOLUNTEER FIRE & RESCUE DONATION - CORPORATE BOWLS RAFFLE 2015	500.00

\$1,500 that was raised from raffles was paid out of General Ledger Account 113167, however income offset this amount, leaving a balance of \$6,188.

The remaining requests are provided for in Appendix A.

Funds were short this year and as such the clubs may not be in a financial position to undertake projects this year. However they may request Council to carry over funds to the next year without having an impact on future funding requests.

It should be noted that funds to pay for the Fitzgerald Report were taken from Schedule 4 General Ledger Account 41105 and transferred to 42195 Legal Expenses. As a result, all other sponsorship requests will need to be determined at a later time, dependant on funds available within the budget. These include the Men's Shed and Voice of the Avon who will be notified of this and consideration shall be given at the 22 June Ordinary Council meeting.

Funds within Tourism and Area Promotion of the budget are available. Policies relating to Events have been checked and the report will need to be considered within the context of the 2015/16 budget, as there is a significant jump in event support funding.

After a discussion with Bronwyn Dunn of Comfort Quilts on Wednesday, 22 April 2015, it has been determined that the fees for all the facilities will be waived for her fundraising event and this will come out of area promotion and is approximately \$720.00.

**Strategic Implications:**

Council's support of local groups is of strategic importance to the District, as without this support these groups, who in many respects are the backbone of the community, become unviable from a financial perspective.

**Voting Requirements:**

Commissioner's Voting Support

**Site Inspection:**

**Site Inspection Undertaken:** N/A



**Triple bottom Line Assessment:**

**Economic Implications:**

Local community groups are a vital component of the local economy, as in many cases they provide the lifestyle type activities that attract individuals, families and businesses to a community, improving the overall diversification and market size of the local economy.

**Social Implications:**

Local community organisations provide the social framework of any community and without this type of financial support from the Council, many are not able to function effectively.

**Environmental Implications:**

Not applicable.

**Officers Comment:**

The recommendations are put forward for the Commissioner's consideration.

**ASB Comment:**

Commissioner Best stated that York is blessed to have many local groups - sporting, not for profit and other groups. Council recognises the fact that without the support of the Shire some groups would not be viable. There is a need to have a balance for all groups.

**RESOLUTION**

**100515**

***“That the Commissioner:***

- 1. adopts the recommendations in the attached document “Schedule of Non-Recurrent Funding Submissions – Sporting Groups” from the 2014/15 Budget – General Ledger Account 113167;***
- 2. the balance of funds to be transferred from General Ledger 132145; - Area Promotion to cover the shortfall of approximately \$4,600.00;***
- 3. confirms the delegation to the Chief Executive Officer that funding/sponsorship/donations up to an amount of \$500.00 from available funds from the 2014/15 Budget be approved subject to the discretion of the Chief Executive Officer and liaison with the Commissioner;***
- 4. advise applicants such as Men’s’ Shed and Voice of the Avon that further consideration will be given to their requests at the Ordinary Council meeting to be held on 22 June 2015.***

***Advice Note:***

- a. advice to all successful applicants that acquittal is required and advice is subject to comments within Appendix A.***
- b. it should be noted that funds to pay for the Fitzgerald Report were taken from Schedule 4 General Ledger Account 41105 and transferred to 42195 Legal Expenses and as such all other sponsorship requests will need to be determined at a later time dependant on funds available within the budget.”***
- c. Advise that the new funding structure shall be based on two (2) funding rounds a year 31 March (consideration being after the mid year review and funding will most likely be the smaller funding round) and 31<sup>st</sup> July.”***

***The Commissioner Declared the Motion Carried***



## 9.5 Late Reports

### 9. OFFICER'S REPORTS

#### 9.5 ADMINISTRATION REPORTS

##### 9.5.1 Application to be Recognised as a Community Group (Narcotics Anonymous)

**FILE NO:** FI.DON  
**COUNCIL DATE:** 25 May 2015  
**REPORT DATE:** 14 May 2015  
**LOCATION/ADDRESS:** Youth Centre  
**APPLICANT:** Matthew Reid  
**SENIOR OFFICER:** Graeme Simpson, A/CEO  
**REPORTING OFFICER:** Graeme Simpson, A/CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

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

#### **Summary:**

It is a requirement that Matthew Reid makes application to Council to be a recognised Community Group in order to qualify to have fees and charges waived.

#### **Background:**

On 12 May 2015 Council received a verbal request from Matthew Reid seeking recognition of a local community group of health professions to assist youth with drug issues and the need for a premises to operate in.

#### **Consultation:**

Applicant

#### **Statutory Environment:**

Local Government Act.

#### **Policy Implications:**

Nil

#### **Financial Implications:**

To waive all fees, the purpose is very fitting and the youth centre has not been operated by the Shire for some time.

A recognised community group could utilise the youth centre building for \$10.00 per hour.

#### **Strategic Implications:**

A key focus.

#### **Voting Requirements:**

Commissioner's Voting Support

#### **Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

The benefits far outweigh any costs.

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by waiving fees and charges for community benefit.

**Environmental Implications:**

Nil

**Comment:**

It is recommended that we assist this group until they find alternative arrangements or the local government structure changes where it requires the youth centre for its original purpose.

**ASB Comment:**

At the ASB a deputation was made on behalf of the applicant who is applying to the Shire on behalf of a gentleman who wishes to run a group for people with drug issues and is looking for a permanent place to meet at no cost. The gentleman has funding to cover the cost of the bond for a key and has Public Liability Insurance cover. Commissioner Best stated that the Youth Centre is not in good shape. However this did not seem a problem to the representative. Commissioner Best stated he looked forward to the group becoming incorporated, this would enable the group to seek funding. Commissioner Best also requested a name for the group be submitted by Wednesday, 20<sup>th</sup> May, 2015. The name of the group has now been received and is 'Narcotics Anonymous'.

**RESOLUTION**

**110515**

***“That the Commissioner:***

***Waives fees associated with the use of the Youth Centre for such a period deemed appropriate by the Chief Executive Officer for a benefit to the youth.”***

***The Commissioner Declared the Motion Carried***

## 9.6 Confidential Reports

- 9. OFFICER'S REPORTS
- 9.6 CONFIDENTIAL REPORTS
- 9.6.1 Close the Meeting

FILE NO:  
COUNCIL DATE: 25 May, 2015  
REPORT DATE: 8 May, 2015  
LOCATION/ADDRESS: N/A  
APPLICANT: N/A

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

### Summary:

Commissioner to close the meeting to review the Deputy Chief Executive Officer Performance Review and Contract of Employment.

### Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees*

### Voting Requirements:

Commissioner's Voting Support

### RESOLUTION 120515

***"That the Commissioner:***

***Close the meeting to members of the public and the Press to deal with a matter affecting an employee."***

***The Commissioner Declared the Motion Carried***

Note to this Item:

The doors were Closed at: 5.12pm

*Commissioner James Best; Acting Chief Executive Officer, Graeme Simpson and the Executive Support Officer, Helen D'Arcy-Walker left the meeting at 5.12pm*



- 9. OFFICER'S REPORTS
- 9.6 CONFIDENTIAL REPORTS
- 9.6.2 Performance Review & Contract of Employment – Deputy Chief Executive Officer

**RESOLUTION  
130515**

*“That the Commissioner Notes:*

- *That the annual performance review for Ms Tyhscha Cochrane, Deputy Chief Executive Officer (being a position designated as a Senior Officer in accordance with the Local Government Act 1995) has been undertaken.*
- *The performance criteria have been varied and agreed by the parties;*

*The Commissioner Endorses:*

- *A further contract of employment for Ms Tyhscha Cochrane, Deputy Chief Executive Officer for the period 1 July 2015 to 30 June 2020 with terms and conditions to be finalised by 1 June 2015.”*

*The Commissioner Declared the Motion Carried*





9. OFFICER'S REPORTS  
9.6 CONFIDENTIAL REPORTS  
9.6.3 Open the Meeting

FILE NO:  
COUNCIL DATE: 25 May, 2015  
REPORT DATE: 8 May, 2015  
LOCATION/ADDRESS: N/A  
APPLICANT: N/A

REPORT APPROVED BY THE A/CEO: Graeme Simpson

**Summary:**

Commissioner to open the meeting after reviewing the Deputy Chief Executive Officer Performance Review and Contract of Employment.

**Statutory Environment:**

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees*

**Voting Requirements:**

Commissioner's Voting Support

**RESOLUTION  
140515**

***"That the Commissioner open the meeting to members of the public and the Press."***

***The Commissioner Declared the Motion Carried***

Note to this Item:

The doors were Opened at: 5.23pm

*Commissioner James Best; Acting Chief Executive Officer, Graeme Simpson and the Executive Support Officer, Helen D'Arcy-Walker returned to the meeting at 5.23pm*

*The Commissioner read the Officer Recommendation to the Gallery.*



## 10. NEXT MEETING

**RESOLUTION  
150515**

*“That the Commissioner:*

*holds the Agenda Settlement Briefing on Monday, June 15, 2015 at 5.00pm at the York Recreation & Convention Centre and the next Ordinary Meeting of the Council on Monday, June 22, 2015 at 5.00pm at the York Recreation & Convention Centre.”*

*The Commissioner Declared the Motion Carried*

## 11. CLOSURE

*Commissioner James Best thanked everyone for their attendance and once again thank the Talbot Brook Community Group for afternoon tea and declared the meeting closed at 5.27pm.*