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# AGENDA

## Special Electors Meeting

To be held in the York Town Hall  
Cnr Avon Terrace & Joaquina Street, York WA 6302  
Tuesday 20 July 2021  
Commencing 5.00pm with registration available from 4.30pm





## NOTICE OF SPECIAL MEETING OF ELECTORS

A Special Meeting of Electors (the Meeting) of the Shire of York will be held at the Town Hall, Cnr Avon Terrace & Joaquina Street, York commencing at 5.00pm on Tuesday 20 July 2021 to consider a request signed by 121 electors to discuss the following:

*“Defer any further discussion on the transaction to outsource management of the York Recreation Community Centre (YRCC) and Forrest Oval Precinct (FOP) until-*

- I. Shire of York to prepare a business plan for the disposal (sale or lease) of the YRCC and FOP to be provided to the community for consultation.*
- II. Provide a four-week period for the community to review and discuss the business plan with the Shire of York executive.*
- III. The Shire of York to provide a breakdown of the actual operating costs and revenue separately of the YRCC and FOP for the past three years and the estimated forecast for the next three years.”*

Electors and ratepayers are invited to attend. Registration will be available from 4.30pm.

The Elected Members and staff welcome your questions regarding the Notice of Meeting. To enable any questions to be answered at the Meeting, questions are to be submitted on the Special Meeting of Electors Question Form, available from the Shire’s website or Administration Office. Completed Question Forms can be returned via email to [records@york.wa.gov.au](mailto:records@york.wa.gov.au) or to the Shire Administration Office and should be received by **4.30pm on Friday 16 July 2021** to enable an informed response to be prepared.

Any queries in relation to the Meeting can be directed to Vanessa Green, Council & Executive Support Officer, on (08) 9641 0500 or [records@york.wa.gov.au](mailto:records@york.wa.gov.au).

**CHRIS LINNELL**  
**CHIEF EXECUTIVE OFFICER**  
13 July 2021

### DISCLAIMER

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. The Shire of York expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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Shire of York  
Special Meeting of Electors  
5.00pm Tuesday 20 July 2021



**1. Official Opening**

The Presiding Member will declare the Meeting open and welcome those in attendance.

**2. Record of Attendance / Apologies / Leave of Absence**

**Councillors:**

Cr D Smythe	President
Cr D Warnick	Deputy President
Cr J Ferro	
Cr A Garratt	
Cr K Trent	

**Staff:**

Mr C Linnell	Chief Executive Officer
Ms A Behan	Executive Manager Corporate & Community Services
Mr F Brown	A/Executive Manager Infrastructure & Development Services
Ms J Bryant	YRCC Project Officer
Ms V Green	Executive & Governance Officer

**Members of the Public:** As per Attendance Register completed at the Meeting

**Apologies:** Cr S Muhleisen

**Approved Leave of Absence:** Cr P Heaton (010621)

**3. Introduction of Elected Members and Officers**

The Presiding Member will introduce the Elected Members, Chief Executive Officer and Staff.

**4. Declarations of Interest (Financial, Proximity & Impartiality)**

Councillors are to complete a Declaration of Interest Form for an item they are required to declare an interest in. The Form is to be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Council & Executive Support Officer for inclusion in the Declarations of Interest Register.

**5. Purpose of the Meeting**

In accordance with the prescribed Form 1 received on 22 June 2021, the Purpose of the Meeting is to consider the following:

*That Council defer any further discussion on the transaction to outsource management of the York Recreation Community Centre (YRCC) and Forrest Oval Precinct (FOP) until-*

- I. Shire of York to prepare a business plan for the disposal (sale or lease) of the YRCC and FOP to be provided to the community for consultation.*
- II. Provide a four-week period for the community to review and discuss the business plan with the Shire of York executive.*
- III. The Shire of York to provide a breakdown of the actual operating costs and revenue separately of the YRCC and FOP for the past three years and the estimated forecast for the next three years."*

No other matter can be raised or considered at the Meeting.

## **6. Manner of Conduct of the Meeting**

The Meeting will be conducted in accordance with the following:

1. In the event of an emergency, everyone should take direction from Officers who will guide you to the exit points of the Town Hall.
2. The location of toilets will be advised.
3. All present will be required to sign the attendance register and complete the mandatory COVID-19 Contact Register located at the entry points to the Town Hall.
4. All present will be required to abide by the current State Directives in relation to COVID-19 requirements.
5. Each person who participates in a vote or speaks must be an Elector of the Shire of York.
6. Speakers are to clearly state their name and address each time they speak.
7. The Minutes will include a summary of any questions asked and a summary of the responses provided.
8. In accordance with Section 6.16 of the *Shire of York Local Government (Council Meetings) Local Law 2016* no person shall use any visual or vocal recording device or instrument to record the proceedings of the Meeting without the written permission of the Presiding Member.
9. Upon a motion being proposed, each speaker is to address the Presiding Member.
10. Only Electors of the Shire of York may move or second a motion.
11. All addresses will be limited to a maximum of two (2) minutes. An extension of time is permissible only with the agreement of a simple majority of Electors present.
12. No persons are to use offensive, defamatory or objectionable expressions in reference to any Elected Member, Officer or any other person. Zero tolerance will be shown to adverse reflection. Anyone making such statements will be called upon to unreservedly withdraw the expression and make an unconditional apology. Should the inappropriate behaviour continue the Presiding Person may adjourn the Meeting.
13. All Elected Members and Officers attend the Meeting to observe the proceedings and hear comments from Electors. All questions and comments are to be directed to the Presiding Member who may invite a response from the Chief Executive Officer.
14. Voting at the Meeting will be in accordance with Regulation 17 of the *Local Government (Administration) Regulations 1996* which states:

**“17. Voting at meeting (Act s. 5.31)**

- (1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*
- (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) *Voting at a general or special meeting of electors is to be conducted so that no voter’s vote is secret.”*

15. In accordance with Section 5.33 of the *Local Government Act 1995*, any decisions made at this Meeting will be considered at Council’s next Ordinary Meeting (Tuesday 24 August 2021). If at that meeting Council makes a decision in response to a decision made at this Special Meeting of Electors, the reasons for the decision are to be recorded in the Minutes of the Council Meeting.

**7. Matters Which Cannot be Discussed**

In accordance with Section 5.23(2)(c) and (e) of the *Local Government Act 1995*, as stated below, matters which relate to the contract which may be entered into with Belgravia Leisure or information that would reveal a trade secret or has a commercial value to Belgravia Leisure cannot be discussed at the Meeting.

**“5.23. Meetings generally open to public**

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
  - (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (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; and*
  - (b) *the personal affairs of any person; and*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret; or*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person,*  
*where the trade secret or information is held by, or is about, a person other than the local government; and*
  - (f) *a matter that if disclosed, could be reasonably expected to —*

- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
  - (ii) *endanger the security of the local government's property; or*
  - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting."*

The reason the above matters cannot be discussed at the Meeting is because a meeting of Electors cannot be closed to members of the public.

## 8. Response to Written Questions Received prior to the Meeting

No written questions had been received prior to the release of this Agenda. If any questions are received, they will be tabled at the Meeting.

## 9. Meeting Discussion

### 9.1 Business Plan

#### Voting Requirements



Simple Majority



Absolute Majority

### Electors' Recommendation – 9.1

**That Council defer any further discussion on the transaction to outsource management of the York Recreation Community Centre (YRCC) and Forrest Oval Precinct (FOP) until the Shire of York prepares a business plan for the disposal (sale or lease) of the YRCC and FOP to be provided to the community for consultation.**

#### Officer Comment

At its June 2021 Ordinary Meeting Council resolved to defer endorsement of the final draft documentation relating to the management transition of the YRCC until September 2021 (070621). While not legislatively required, part of that documentation will include a Business Plan which will provide information on:

1. The expected effect on the provision of facilities and services by the Shire of York.
2. The expected effect on other persons providing facilities and services in the district.
3. The expected financial effect on the Shire of York.
4. The expected effect on matters referred to in the Shire of York's current Plans for the Future.
5. The ability of the Shire of York to manage the undertaking or the performance of the transaction.
6. Other matters as prescribed.

## 9.2 Community Consultation on Business Plan

### Voting Requirements



Simple Majority



Absolute Majority

### Elector's Recommendation – 9.2

**That Council provides a four-week period for the community to review and discuss the business plan with the Shire of York Executive.**

### Officer Comment

As mentioned at 9.1 above, the Business Plan being developed will be made publicly available for a period of four weeks for community consultation. The availability of the Business Plan will be advertised on the Shire's website, social media and noticeboards. If the timing aligns it will also be publicised in the York & Districts Community Matters. Copies of the Business Plan will be available electronically and in hard copy.

## 9.3 Provision of Operating Costs and Revenue

### Voting Requirements



Simple Majority



Absolute Majority

### Elector's Recommendation – 9.3

**That the Shire of York provides a breakdown of the actual operating costs and revenue separately for the York Recreation Community Centre and Forrest Oval Precinct for the past three years and the estimated forecast for the next three years.**

### Officer Comment

As mentioned at 9.1 above, the Business Plan will include information relating to the financial management of the YRCC. By including the operating expenditure and revenue in the Business Plan it will enable the community to easily identify and access the requested information, and ensure there is consistent, correct messaging in relation to the financial considerations of the current proposal.

## 10. Closure

There being no further discussion the Presiding Member will close the Meeting.