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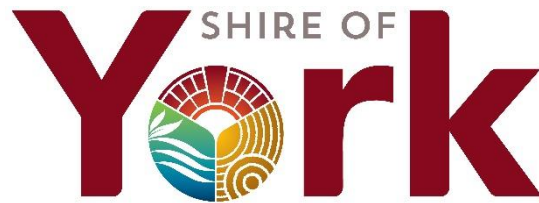
MINUTES

Special Electors Meeting

Held in the York Town Hall
Cnr Avon Terrace & Joaquina Street, York WA 6302
Tuesday 20 July 2021



The following Notice of Meeting was advertised on the Shire's website, social media, noticeboards from 30 June 2021 and in the York & Districts Community Matters July 2021 edition.



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 or to the Shire Administration Office and should be received at least two (2) days prior to the meeting to enable an appropriate response to be prepared.

The Meeting schedule, agenda and minutes will be available on the Shire's website at www.york.wa.gov.au.

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.

CHRIS LINNELL
CHIEF EXECUTIVE OFFICER

Following a suggestion from the Meeting Requester, a later edition of the Notice included a deadline date for Question Forms to be submitted of 4.30pm on Friday 16 July 2021.

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Shire of York Special Meeting of Electors Tuesday 20 July 2021



1. Official Opening / Acknowledgement

The Presiding Member welcomed those in attendance, declaring the meeting open at 5.00pm and requesting people fill out the Attendance Register forms. In opening the meeting, the Shire of York acknowledged the traditional owners of the land on which this meeting was held.

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 T Bateman	Finance Manager
Ms J Bryant	YRCC Project Officer
Ms V Green	Executive & Governance Officer

Members of the Public: 57 people completed the Attendance Register although it was noted more people were present

Apologies: Cr S Muhleisen

Approved Leave of Absence: Cr P Heaton (010621)

3. Introduction of Elected Members and Officers

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

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

Cr Trent declared an Impartiality Interest for this meeting.

Cr Trent read the Impartiality Declaration - With regards to this Special Electors Meeting I disclose that I have an association with the matter. The association is I am a member of the community who eats an evening meal at the YRCC on Friday evenings.

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

5. Purpose of the Meeting

The Presiding Member advised that 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 Presiding Member advised 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 was advised.
3. All attendees are 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 attendees are 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 Member 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

8.1 York Community Social Centre Inc.

Mr Bill Roy spoke to the question posed.

“Preamble:

- 1. The Association was incorporated on 17 October 2019 following an establishment meeting held at the YRCC on 17 August 2019. This was a consequence of deliberations by the SOY YRCC MSG and a commitment made by Council on 29 April 2019 (Item SY052-04/19) to assist an incorporated association to become established to manage the hospitality facilities at the YRCC.*
- 2. Following incorporation the body and Officers of the Shire of York worked closely to develop the framework for a lease acceptable to both parties and at the same time the Association conducted an economic evaluation based on the terms of the Council commitment. The outcome of the evaluation was to the effect that the project to manage the YRCC facility was not viable in the short term based on the grant being offered. The SOY was advised of this position on 03 February 2020 with a request to put the lease development on hold.*
- 3. Following item 2 above detailed discussions were held with Officers of the SOY resulting in the development of alternative proposals by the Association. The Association provided an outline to the SOY on 20 March 2020 for further consideration.*
- 4. At the OCM of the SOY held 28 April item number SY055-04/20 to which was attached a copy of the Association letter of 20 March 2020 was considered by Council and it was agreed:*
 - 1. To delay putting management of the YRCC out for tender until relevant COVID-19 restrictions were lifted and;*
 - 2. The CEO was requested to explore an alternative in-house management structure including costings while the COVID-19 restrictions were in place.*

5. *To date we have not received a formal response to the proposal/s documented in our letter of 20 March 2020*

Given these facts and in relation to Agenda items 9.1,9.3 and 9.3 with particular attention to item 9.1 we ask;

Why was there no attempt to follow up on the Association's suggestions contained in the letter of 20 March 2020 which could well have led to finalisation of a lease agreement between the Association and the SOY based on a first year total support grant of the order of \$200K reducing to around \$150K in subsequent years?

We would appreciate that the Association Chairperson be allowed to present this question to the Special Electors Meeting in person and to the right of reply to any answer provided."

Shire of York Response:

The Presiding Member provided the following response:

The letter was received via email. The Shire acknowledge a formal letter of acknowledgement should have been sent. The letter highlighted the YCSC's preferred option being Option A – for the Shire to continue to manage the bar/café.

Option A was again highlighted as the Association's preferred option in emails dated 16 April which was acknowledged by the Shire. In that response the Shire highlighted the report on the YRCC management would be presented to Council's April 2020 Ordinary Meeting.

An email dated 20 April 2020 provided from the Association outlined their review of the April 2020 OCM YRCC Report, which articulated the YCSC's point of view relating to the exploration of an alternative in-house management structure, which would reflect the YCSC's Option A, from the letter dated 20 March 2020.

To ensure all avenues are explored to best support outcomes for the community the Shire proceeded to undertake a Request for Proposal (RFP) process as intended through Council's resolution from February 2020.

8.2 Mr Pat Hooper

Mr Pat Hooper spoke to the questions posed.

Question 1

"Item 9.1:

- A. In the preparation of the business plan will the Shire prepare the plan or will they contract the plan out?*
- B. If contracted out, who will that be?*
- C. What costs are likely to be attracted by the Shire?"*

Shire of York Response:

The Presiding Member provided the following response:

- A. The Shire is looking for an external body to prepare the Business Plan.
- B. A decision on the successful external body has not yet been made.
- C. A budget allocation has been set aside for the management of the YRCC. If the management is transferred it would be well into the financial year, therefore the costs of preparing the Business Plan can be allocated against this budget.

Mr Hooper further advised he was looking for an indicative figure on what the cost for the Business Plan could be.

The Chief Executive Officer advised quotes were currently being sought so an exact cost is not known at this time. However, a figure of approximately \$15,000-\$25,000 could be applicable.

Question 2

"Item 9.2:

In the four week consultative period, will the Shire

- A. Conduct a public question and answer session to ensure ratepayers the opportunity to clarify in particular costs involved?*
- B. Afford organisations to meet with senior staff to clarify issues relevant to their organisations?"*

Shire of York Response:

The Presiding Member provided the following response:

- A. Yes.
- B. The Shire has already been doing this with user groups of the YRCC, but will always have an 'open door' approach to working with community organisations.

8.3 York Bowling Club Inc

Mr Pat Hooper spoke to the question posed.

"It is obvious that organizations base and centre activities around their Clubhouses and the "heart" of most organizations is their base of Clubhouse.

The YBC has a proud history as one of York's oldest organizations having been in existence for over 100 years. It has been located on three sites, Winston Greens, the old Bowling Club at Forrest Oval and since 2012, the Clubhouse has been located at the YRCC.

In the 2006-2007 season the YBC entered discussion with the Shire of York to be part of a multi-purpose complex that would house a number of community and sporting organizations within the YRCC.

It was clearly understood by YBC members that the building, while housing other organizations would also be the Clubhouse for bowlers.

In the decision to relinquish their wholly owned and paid for Clubhouse and the "Liquor Licence" that went with the building the YBC put faith in the assurances provided by the Shire that they would have the access they required to continue to operate as they had.

Currently the YBC uses both the greens and the YRCC facilities for over 40 weeks a year.

Will the Shire Councillors guarantee that the "Clubhouse Rights" of the YBC and other community and sporting bodies within the Business Plan should a private company or any other organization be given the management rights of the YRCC?"

Shire of York Response:

The Presiding Member provided the following response:

License agreements were being signed with individual clubs to ensure those rights are addressed. With regard to the guarantee, I will take that on notice and confer with the other Councillors.

8.4 Ms Patricia Walters

As Ms Walters was not in attendance, the Presiding Member read the questions posed:

Question 1

“Council should honour the promise made in 2006/2007 that approval of the YRCC would reduce the expenditure on Recreation by over \$120,000 of the Recreation & Culture Budget of \$876K to \$752K per annum.

Why should ratepayers be asked to provide \$3.5m per annum when an expenditure of not more than \$1.75m would be appropriate?”

Shire of York Response:

The Presiding Member provided the following response:

Council sets the resolutions for the Administration to follow, with the Budget aligned to the priorities identified by the community in the Strategic Community Plan.

The 2021/22 Budget includes an Operational allocation of \$3,006,191 for Recreation and Culture expenses and revenue (excluding Capital). This amount includes funding for the following service functions:

- YRCC and Forrest Oval precinct
- Public Halls, buildings and reserves
- Swimming pool
- Other recreation and sport such as parks and gardens, sponsorships and the motocross track
- Library
- Other Culture such as the Residency Museum

The provision of public recreation and cultural facilities is a core business function of local government, and a basic community service. While providing these facilities and services rarely achieves a profit, there are significant other community benefits such as increasing social inclusion, health and wellbeing, as well as general physical activity.

Question 2

“Will Council refuse to provide funding to prepare another Business Plan on the grounds that:-

- a) The purpose of a Business Plan is to prove the viability of the proposed business;*
- b) The YRCC Tavern Licence has operated at a loss every year since it opened, therefore, it is not a viable business;*
- c) Dispose of the Tavern License to help cut costs;*
- d) There is at least four Business Plans in existence none of which prove that the business is viable;*
- e) Provision of food and drink for Sports Clubs should be the responsibility of the Sports Clubs not the Shire.”*

Shire of York Response:

The Presiding Member provided the following response:

A new Business Plan will be prepared.

Question 3

“Are Council prepared to separate the current Recreation & Culture Cost Centre to Culture Cost Centre and Recreation Cost Centre to provide an accurate reflection of expenditure?

If not, why not?”

Shire of York Response:

The Presiding Member provided the following response:

The *Local Government (Financial Management) Regulations 1996* (the Regulations) determine the structure for local government financial reporting. In accordance with Schedule 1, Part 1 – Local Government Program Titles, the reporting structure is broken down into programs each of which have associated sub-programs within.

Recreation and Culture is a specific reporting program as prescribed in the Regulations. The corresponding sub-programs are as follows:

- Public Halls, Civic Centres
- Swimming areas and beaches
- Other recreation and sport
- Television and radio re-broadcasting
- Libraries
- Other culture

Accordingly, financial information relating to the Forrest Oval Precinct including the YRCC is reported within the sub-program Other Recreation and Sport. While the financials will continue to be reported in accordance with the Regulations, it should be noted that for a number of years now the monthly financials have included supplementary information detailing the cost specifically associated with the YRCC operations (with the exclusion of the overhead allocations).

8.5 Questions from the Floor

At the completion of addressing the written questions received, the Presiding Member asked for questions from the floor.

There were no questions from the floor.

9. Meeting Discussion

9.1 Business Plan

The Presiding Member called on Mr Bob Cameron to speak to the Meeting Discussion.

Mr Cameron advised the Meeting had been requested to address questions not answered at the community presentation by Belgravia Leisure on Wednesday 9 June 2021 and to address the Shire of York in regard to the outcomes expected to be achieved.

Voting Requirements



Simple Majority



Absolute Majority

Elector's Recommendation – 9.1

Mr Cameron read the Elector's Recommendation:

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.

President's Comment

Prior to the vote, the Presiding Member provided the following comment in relation to the Elector's Recommendation:

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 against the Belgravia Leisure proposal 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.

Resolution

Moved: Mr Bob Cameron

Seconded: Mr John Elkington

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.

CARRIED
By a show of hands

9.2 Community Consultation on Business Plan

Voting Requirements



Simple Majority



Absolute Majority

Elector's Recommendation – 9.2

Mr Cameron read the Elector's Recommendation:

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

President's Comment

Prior to the vote, the Presiding Member provided the following comment in relation to the Elector's Recommendation:

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.

Resolution

Moved: Mr Bob Cameron

Seconded: Mr John Elkington

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

CARRIED
By a show of hands

9.3 Provision of Operating Costs and Revenue

Voting Requirements

Simple Majority

Absolute Majority

Elector's Recommendation – 9.3

Mr Cameron read the Elector's Recommendation:

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.

President's Comment

Prior to the vote, the Presiding Member provided the following comment in relation to the Elector's Recommendation:

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.

Resolution

Moved: Mr Bob Cameron

Seconded: Mr John Elkington

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.

CARRIED
By a show of hands

10. Closure

There being no further discussion the Presiding Member thanked those in attendance and closed the meeting at 5.33pm.