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MINUTES

Special Council Meeting

Held in Council Chambers
1 Joaquina Street, York WA 6302
Tuesday 13 January 2026
Commencing 3.30pm



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Shire of York
Special Council Meeting
Tuesday 13 January 2026



1. Opening & Acknowledgement

The Shire President declared the Meeting open at 3.30pm, welcomed those in attendance and read the following Acknowledgment:

The York Shire Council acknowledges the Ballardong people of the Noongar Nation who are the Traditional Owners of the country where this meeting is being held and recognise their continuing connection to land, water, sky and culture. We pay our respects to all these people and their Elders past, present and emerging.

In accordance with Regulations 14I and 14J of the Local Government (Administration) Regulations 1996, notice is given that this meeting is being video and audio recorded to facilitate community participation and for minute-taking purposes. By being present at a meeting, members of the public consent to the possibility that their image and voice may be recorded. Audio recordings are published on the Shire's website following the meeting and may be released upon request to third parties.

Members of the public are reminded that, in accordance with Section 6.16 of the Shire of York Local Government (Council Meetings) Local Law 2016, nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the Presiding Member.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr Chris Gibbs, Shire President; Cr Denese Smythe, Deputy Shire President

Cr Elaine Ashford; Cr Monique Hutchinson; Cr Kevin Pyke; Cr Kevin Trent; Cr Melissa Welsh (via electronic means)

In accordance with Regulation 14C of the *Local Government (Administration) Regulations 1996*, the Shire President has authorised Cr Melissa Welsh to attend this meeting via electronic means, having given consideration to the location from which Cr Welsh is attending the meeting and the equipment used to attend the meeting, confirming they are suitable to enable effective engagement in deliberations and communications, and ensuring confidentiality.

Staff:

Anneke Birleson, Acting Executive Manager Corporate & Community Services; Vanessa Green, Council & Executive Support Officer

Apologies/Leave of Absence: Nil

Gallery: There was one (1) person in the Gallery at the commencement of the Meeting.

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

Vanessa Green & Anneke Birleson – Impartiality Interest due to the nature of our employment relationship with the CEO. Noting that neither Officers have any decision-making authority in this process.

4. Public Question Time

1. “Public Question Time” will be limited to 15 minutes. However, Council may exercise its discretion to extend the time by resolution if required. If there are questions remaining unasked at the expiration of the time allotted, members of the public are to submit their questions to the Shire President in writing.
2. Questions submitted to Special Meetings are restricted to the subject matter of that meeting (noting any confidentiality requirements).
3. During Public Question Time each questioner is limited to two (2) questions. Statements or long preamble are not permitted. Where multiple questions are formed into one sentence or paragraph these will be separated into the individual questions.
4. Every person who wishes to ask a question are to identify themselves and register with an Officer immediately prior to the meeting.
5. Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
6. There is no debate on the answers provided to questions.
7. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

Public Question Time commenced at 3.33pm.

DAVID SPARROW

Question 1

Can you please confirm the legitimacy of this meeting with concerns raised regarding the short period of notice for the meeting and the Temporary CEO being on leave at the time of convening the meeting.

Response provided by the Shire President

As a potential applicant for the substantive role, to ensure appropriate probity the Temporary CEO cannot be involved in the administration of the recruitment process.

Response provided by the Acting Executive Manager Corporate & Community Services

The Question was Taken on Notice at the Meeting for a response to be published in the Minutes hence please refer below:

Section 5.5(1) of the *Local Government Act 1995* stipulates that an Ordinary meeting is to be convened by providing '*at least 72 hours' notice of the date, time and place of the meeting...*'. However, Section 5.5(2) is applicable to convening Special Council Meetings (such as this Meeting) which does not prescribe a timeframe for notice of a meeting:

"5.5. Convening council meetings

(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting."

Regulation 12(4) of the *Local Government (Administration) Regulations 1996* specifies requirements for publishing details of a Special Meeting and states:

"(4) If a special meeting of the council is to be held, the CEO must publish the meeting details for the meeting, and the purpose of the meeting, on the local government's official website as soon as practicable."

In this case the requirements for notice of the Special Council Meeting have been met.

Further to the response provided by the Shire President, the previous CEO provided written authorisation for Officers (being the Acting Executive Manager Corporate & Community Services (EMCCS) and Council & Executive Support Officer) to coordinate workshops, convene meetings, and prepare necessary reports, agendas, and minutes for the Selection Panel and Council as necessary to facilitate the CEO recruitment process to remove the Temporary CEO from the administration of the recruitment process. This will therefore continue to occur.

For additional clarity and in line with the authorisation, future notices will include additional wording of "*on behalf of the Chief Executive Officer*" following the Acting EMCCS' signing of notices.

There being no further questions, Public Question Time closed at 3.35pm.

5. Confirmation of the Minutes of the Previous Meeting

The minutes of the Special Council Meeting held on 2 December 2025 were confirmed as a true and correct record of proceedings at Council's December 2025 Ordinary Meeting (Resolution 021225).

6. Announcements by the Presiding Person without Discussion

Nil

7. Meeting Closed to the Public

Council will resolve to close the Meeting to the public in accordance with Sections 5.23(a) and (c) of the *Local Government Act 1995* as the following reports deal with the personal affairs of any person (Item 8.1) and a contract which may be entered into by the local government (Item 8.2).

RESOLUTION

SY20260101 That Council closes the Meeting to the public at 3.37pm in accordance with Sections 5.23(a) and (c) of the *Local Government Act 1995* as it deals with the personal affairs of any person and a contract which may be entered into by the local government.

CARRIED 7/0

In Favour: Crs Chris Gibbs, Denese Smythe, Elaine Ashford, Monique Hutchinson, Kevin Pyke, Kevin Trent and Melissa Welsh

Against: Nil

The Gallery left the meeting at 3.37pm and the doors were closed.

8. OFFICER'S REPORTS

8.1 Appointment of the Independent Member to the CEO Selection Panel

Author:	Vanessa Green, Council & Executive Support Officer
Authoriser:	Anneke Birleson, Acting Executive Manager Corporate & Community Services
Previously before Council:	2 December 2025 (SY20251202)
Disclosure of Interest:	Impartiality due to the employment relationship with the Chief Executive Officer
Appendices:	Appendix 8.1A – Submissions received & Referee Reports (Confidential) Appendix 8.1B – Summary Table (Confidential)

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive Decision Legislative Requirement

PURPOSE OF REPORT

This Item seeks to appoint the Independent Member of the CEO Selection Panel.

VOTING REQUIREMENTS

Simple Majority Absolute Majority

RECOMMENDATION

That, with regard to Appointment of the Independent Member to the CEO Selection Panel, Council:

1. Appoints Applicant 4 as the Independent Member of the CEO Selection Panel.
2. Appoints Applicant 7 as the first alternative Independent Member to act as an independent member of the CEO Selection Panel if the preferred applicant declines or withdraws.

RESOLUTION

Moved: Cr Trent **Seconded:** Cr Welsh

SY20260102 That, with regard to Appointment of the Independent Member to the CEO Selection Panel, Council:

1. Appoints Applicant 4 as the Independent Member of the CEO Selection Panel.

2. Appoints Applicant 7 as the first alternative Independent Member to act as an independent member of the CEO Selection Panel if the preferred applicant declines or withdraws.

CARRIED 7/0

In Favour: Crs Chris Gibbs, Denese Smythe, Elaine Ashford, Monique Hutchinson, Kevin Pyke, Kevin Trent and Melissa Welsh

Against: Nil

8.2 Appointment of HR Facilitator – RFQ10-2526 – Provision of Consultancy Services to Facilitate the Recruitment and Selection of a Chief Executive Officer

Author:	Vanessa Green, Council & Executive Support Officer
Authoriser:	Anneke Birleson, Acting Executive Manager Corporate & Community Services
Previously before Council:	2 December 2025 (SY20251202)
Disclosure of Interest:	Impartiality due to the employment relationship with the Chief Executive Officer
Appendices:	Appendix 8.2A – Recommendation Report (Confidential)

NATURE OF COUNCIL'S ROLE IN THE MATTER



Executive Decision



Legislative Requirement

PURPOSE OF REPORT

This Item determines the outcome of RFQ10-2526 and seeks to appoint the HR Facilitator to assist Council and the CEO Selection Panel in the CEO recruitment and selection process.

VOTING REQUIREMENTS



Simple Majority



Absolute Majority

RECOMMENDATION

That, with regard to Appointment of HR Facilitator – RFQ10-2526 – Provision of Consultancy Services to Facilitate the Recruitment and Selection of a Chief Executive Officer, Council:

1. Endorses the recommendation of the evaluation panel in accordance with the Recommendation Report, as presented in confidential Appendix 8.2A.
2. Appoints Consultant 1 as the successful respondent for RFQ10-2526 - Provision of Consultancy Services to Facilitate the Recruitment and Selection of a Chief Executive Officer.

RESOLUTION

Moved:

Cr Smythe

Seconded:

Cr Trent

SY20260103 That, with regard to Appointment of HR Facilitator – RFQ10-2526 – Provision of Consultancy Services to Facilitate the Recruitment and Selection of a Chief Executive Officer, Council:

1. Endorses the recommendation of the evaluation panel in accordance with the Recommendation Report, as presented in confidential Appendix 8.2A.

2. Appoints Consultant 1 as the successful respondent for RFQ10-2526 - Provision of Consultancy Services to Facilitate the Recruitment and Selection of a Chief Executive Officer.

CARRIED 7/0

In Favour: **Crs Chris Gibbs, Denese Smythe, Elaine Ashford, Monique Hutchinson, Kevin Pyke, Kevin Trent and Melissa Welsh**

Against: **Nil**

RESOLUTION

Moved: Cr Gibbs **Seconded:** Cr Smythe

SY20260104 That Council opens the Meeting to the public at 3.40pm.

CARRIED 7/0

In Favour: Crs Chris Gibbs, Denese Smythe, Elaine Ashford, Monique Hutchinson, Kevin Pyke, Kevin Trent and Melissa Welsh

Against: Nil

9. Public Reading of Resolutions Made Behind Closed Doors

The Shire President read aloud the two (2) Resolutions made Behind Closed Doors for the purpose of the audio recording. No members of the public returned to the Meeting.

10. Closure

There being no further business, the Shire President thanked those in attendance and closed the Meeting at 3.41pm.