



# **CONFIRMED MINUTES**

**Special Council Meeting  
Tuesday, 19 October 2021**

**Date: Tuesday, 19 October 2021**

**Time: 5.00pm**

**Location: Council Chambers, York Town Hall, York**

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**MINUTES OF SHIRE OF YORK  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, YORK TOWN HALL, YORK  
ON TUESDAY, 19 OCTOBER 2021 AT 5.00PM**

**1 OPENING**

1.1 Declaration of Opening

*In accordance with Clause 3 of Schedule 2.3 of the Local Government Act 1995 the Chief Executive Officer is to preside at the meeting until the office of President is filled.*

*The Chief Executive Officer declared the meeting open at 5.00pm.*

1.2 Disclaimer

The Chief Executive Officer advised the following:

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

*This meeting is being recorded on a digital audio device to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of York Local Government (Council Meetings) Local Law 2016 that 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.*

*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 Swearing In of Councillors-Elect and Declaration of Office

*In accordance with Section 2.29 of the Local Government Act 1995, Section 13 of the Local Government (Constitution) Regulations 1998 and the Oaths, Affidavits and Statutory Declarations Act 2005 the Chief Executive Officer invited Mr Pat Hooper JP to perform the Swearing In Ceremony and witness the Declaration of Office for the following Councillors-elect:*

- *Cr Kevin Trent*
- *Cr Denis Warnick*
- *Cr Peter Wright*

*The Chief Executive Officer thanked Mr Pat Hooper JP for officiating over the Swearing In Ceremony and presented him with a small gift as a token of appreciation.*

1.4 Standing Orders

*Nil*

1.5 Announcement of Visitors

*Mr John (Pat) Hooper, JP*

1.6 Declarations of Interest that Might Cause a Conflict

*Nil*

1.7 Declaration of Financial Interests

*Nil*

1.8 Disclosure of Interests that May Affect Impartiality

*Nil*

**2 ATTENDANCE**

2.1 Members

*Cr Ashley Garratt; Cr Pam Heaton; Cr Stephen Muhleisen; Cr Denese Smythe; Cr Kevin Trent, Cr Denis Warnick; Cr Peter Wright*

2.2 Staff

*Chris Linnell, Chief Executive Officer; Alina Behan, Executive Manager Corporate & Community Services; Sinead McGuire, Executive Manager Infrastructure & Development Services; Vanessa Green, Council & Executive Support Officer*

2.3 Apologies

*Nil*

2.4 Leave of Absence Previously Approved

*Nil*

2.5 Number of People in the Gallery at Commencement of Meeting

*There were five (5) people in the Gallery at the commencement of the meeting.*

**3 ELECTION OF SHIRE PRESIDENT AND DECLARATION OF OFFICE**

*The Chief Executive Officer called for nominations for the position of President of the Council for the ensuing two (2) years.*

*The following nomination was received:*

*Cr Smythe nominated by Cr Smythe*

*There being no further nominations, Cr Denese Smythe was declared Shire President of the Shire of York.*

*Mr Pat Hooper JP performed the Swearing In Ceremony and witnessed the Declaration of Office for Cr Smythe as Shire President.*

*The President took the chair at 5.12pm.*

**4 ELECTION OF DEPUTY SHIRE PRESIDENT AND DECLARATION OF OFFICE**

*The Shire President called for nominations for the position of Deputy Shire President of the Council for the ensuing two (2) years.*

*The following nominations were received:*

*Cr Warnick nominated by Cr Warnick*

*Cr Trent nominated by Cr Trent*

*An election was held in accordance with Schedule 2.3 of the Local Government Act 1995 with the Chief Executive Officer and Mr Pat Hooper JP conducting the count of votes. On a vote of five (5) to two (2) Cr Denis Warnick was declared as the Deputy Shire President of the Shire of York.*

*Mr Pat Hooper JP performed the Swearing In Ceremony and witnessed the Declaration of Office for Cr Warnick as Deputy Shire President.*

*The Deputy Shire President assumed their chair at 5.23pm.*

*The Shire President thanked Mr Pat Hooper JP for officiating over the Swearing In Ceremonies.*

## **5 DRAW FOR POSITION AT COUNCIL TABLE**

*Clause 8.1 of the Shire's Local Government (Council Meetings) Local Law 2016 states:*

***"Members to be in their proper places***

*(1) At the first meeting held after each election day, the CEO is to allot, alphabetically, a position at the Council table to each member.*

*(2) Each member is to occupy his or her allotted position at each Council meeting."*

*As such, Councillors took their position in alphabetical order around the Council table.*

## **6 PUBLIC QUESTION TIME**

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire of York's *Local Government (Council Meetings) Local Law 2016* states –

### **6.7 Other procedures for question time for the public**

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.*
- (2) A question may be taken on notice by the Council for later response.*
- (3) When a question is taken on notice the CEO is to ensure that—*
  - (a) a response is given to the member of the public in writing; and*
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.*
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—*
  - (a) declare that he or she has an interest in the matter; and*
  - (b) allow another person to respond to the question.*
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.*
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.*
- (7) The Presiding Member may decide that a public question shall not be responded to where—*
  - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;*
  - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or*

- (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have 2 minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.
- (11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

*Public Question Time commenced at 5.27pm.*

6.1 Written Questions – Current Agenda

*Nil*

6.2 Public Question Time

*Nil*

*As there were no questions Public Question Time concluded at 5.27pm.*

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

*The Shire President thanked those in attendance for their interest in the 2021 Ordinary Local Government Elections and welcomed the newly elected Councillors.*

**9 CLOSURE**

*The Shire President thanked everyone for their attendance and closed the meeting at 5.28pm.*

*The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 26 October 2021.*

  
**SHIRE PRESIDENT**