



CONFIRMED MINUTES

**Special Council Meeting
Monday, 5 September 2022**

Date: Monday, 5 September 2022

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 MONDAY, 5 SEPTEMBER 2022 AT 5.00PM**

1 OPENING

1.1 Declaration of Opening

Cr Denese Smythe, Shire President, declared the meeting open at 5.00pm.

1.2 Acknowledgement / Disclaimer

The Shire President advised the following:

“The York Shire Council acknowledges the Ballardong people of the Noongar Nation who are the Traditional Owners of this country 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.

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 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declaration of Financial Interests

Nil

1.7 Disclosure of Interests that May Affect Impartiality

Nil

2 ATTENDANCE

2.1 Members

*Cr Denese Smythe, Shire President; Cr Denis Warnick, Deputy Shire President
Cr Ashley Garratt; Cr Pam Heaton; Cr Kevin Trent; 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

Cr Stephen Muhleisen - 22 August 2022 to 21 December 2022 inclusive (080822)

2.5 Number of People in the Gallery at Commencement of Meeting

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

3 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the *Local Government Act 1995* and Regulations. In addition to this the Shire'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 5.02pm.

3.1 Written Questions – Current Agenda

Nil

3.2 Public Question Time

Nil

As there were no questions Public Question Time concluded at 5.02pm.

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 PRESENTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

5.4 Delegations' Reports

Nil

6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

7 OFFICER'S REPORTS

SY093-09/22 APPOINTMENT OF A SENIOR EMPLOYEE - ACTING EXECUTIVE MANAGER CORPORATE & COMMUNITY SERVICES

File Number:	4.3167
Author:	Vanessa Green, Council & Executive Support Officer
Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	Not Applicable
Disclosure of Interest:	Nil
Appendices:	Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents a proposal for the appointment of an Acting Executive Manager Corporate & Community Services (A/EMCCS) to Council.

BACKGROUND

The Executive Manager Corporate & Community Services (EMCCS) will be on leave from circa 19 September 2022 returning on 2 November 2022. Due to the length of time the EMCCS will be away and to ensure the continued delivery of the Corporate & Community Services' functions it is recommended an A/EMCCS be appointed.

The EMCCS role is classified as a designated Senior Employee in accordance with Section 5.37 of the *Local Government Act 1995*, hence the Chief Executive Officer is to inform Council of each proposal to employ a Senior Employee.

COMMENTS AND DETAILS

The A/EMCCS will perform the functions and duties of the EMCCS for the period they are appointed. This includes the use of delegated authority and full oversight of the Corporate & Community Services teams and responsibilities.

It should be noted there may be a possible extension to the A/EMCCS appointment dates, depending on the return to work of the EMCCS.

The provision of accommodation and a vehicle will be included in the employment contract.

The Shire approached a number of people known to provide temporary employment services which identified that Mr Mark Dacombe was both available for the dates required, and suitably qualified to hold the position of A/EMCCS. Mr Dacombe is already familiar with the Shire of York enabling a seamless transition into the team.

OPTIONS

Council has the following options:

Option 1: Council could accept the appointment of Mr Mark Dacombe as A/EMCCS for the period circa Wednesday 14 September 2022 to Friday 4 November 2022 inclusive.

Option 2: Council could reject the appointment of Mr Mark Dacombe as A/EMCCS for the period circa Wednesday 14 September 2022 to Friday 4 November 2022 inclusive and provide its reason(s) for doing so.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

Human Resources Consultants

Executive Leadership Team

WALGA Governance and Employee Relations Teams

Strategic

Strategic Community Plan 2020-2030

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

F2 Procurement

G2 Organisational Structure and Designation of Senior Employees

Financial

The salary payable to the A/EMCCS is within budget allocations.

Legal and Statutory

Section 5.37 of the *Local Government Act 1995* is applicable and states:

“5.37. Senior employees

- (1) *A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) *The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) *Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4A) *Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) *For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.”*

Risk Related

The risks relate to the ability to recruit appropriately skilled, experienced and qualified staff. Mr Dacombe is considered suitably qualified for the position and has many years' local government experience, including at the Shire of York (amongst others) as an Acting Chief Executive Officer in 2019.

Workforce

This temporary position is a Senior Officer.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
010922**

Moved: Cr Kevin Trent

Seconded: Cr Ashley Garratt

That, with regards to the Appointment of a Senior Employee - Acting Executive Manager Corporate & Community Services, in accordance with Section 5.37(2) of the Local Government Act 1995, Council:

- 1. Accepts the recommendation from the Chief Executive Officer to appoint Mr Mark Dacombe as a Designated Senior Officer to the position of Acting Executive Manager Corporate & Community Services for the period circa Wednesday 14 September 2022 to Friday 4 November 2022 inclusive, noting an extension may be required.**

CARRIED: 6/0

8 CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.04pm.

The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 27 September 2022.

*SHIRE PRESIDENT
Cr Denese Smythe*